

2/1/96 Motion to R/c by  
Holson  
FILED MAR 7 1995  
2/19/96 Motion to R/c W/D

SENATE FILE 259  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 102)

Passed Senate, Date <sup>(p.669)</sup> 2/1/96 Passed House, Date <sup>(p.1312)</sup> 4/2/96

Vote: Ayes 44 Nays 0 Vote: Ayes 90 Nays 5

Re-passed Senate Approved 4/23/96  
4/3/96 45-5  
(p.1226)

**A BILL FOR**

1 An Act relating to the practice of mortuary science, cremation,  
2 and licensing of funeral establishments and providing  
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5  
6

**SENATE FILE 259**

S-3114

1 Amend Senate File 259 as follows:

2 1. Page 3, by inserting after line 3 the  
3 following:

4 "Sec. 3. Section 156.3, Code 1995, is amended to  
5 read as follows:

6 156.3 ELIGIBILITY REQUIREMENTS.

7 To be eligible to take the examination for a  
8 funeral director's license, a person must have  
9 completed two academic years of instruction in a  
10 recognized college or university in a course of study  
11 approved by the board or have equivalent education as  
12 defined by the board and have satisfactorily completed  
13 a course of instruction in mortuary science in an  
14 accredited school approved by the board. After July  
15 1, 1997, to be eligible to take the examination for a  
16 funeral director's license, a person must possess a  
17 bachelor of arts or bachelor of science degree from a  
18 regionally accredited college or university and must  
19 also have satisfactorily completed a course of  
20 instruction in mortuary science in an accredited  
21 school approved by the board."

By ALBERT SORENSEN

**WITHDRAWN**

S-3114 FILED MARCH 9, 1995 (p.210) 2/1/96

S.F. 259

1 Section 1. Section 156.1, Code 1995, is amended to read as  
2 follows:

3 156.1 DEFINITIONS.

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

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

8 2. "Cremation" means the technical process, using heat and  
9 flame, that reduces human remains to bone fragments. The  
10 reduction takes place through heat and evaporation. Cremation  
11 shall include the processing, and may include the  
12 pulverization, of the bone fragments.

13 3. "Cremation establishment" means a place of business as  
14 defined by the board which provides any aspect of cremation  
15 services.

16 2- 4. "Funeral director" ~~shall-mean~~ means a person  
17 licensed by the board to practice mortuary science.

18 5. "Funeral establishment" means a place of business as  
19 defined by the board devoted to providing any aspect of  
20 mortuary science.

21 6. "Intern" means a person registered by the board to  
22 practice mortuary science under the direct supervision of a  
23 funeral director.

24 3- 7. "Mortuary science" ~~shall-mean~~ means the engaging in  
25 any of the following:

26 a. Preparing, for the burial or disposal, or directing and  
27 supervising the burial or disposal of dead human bodies except  
28 supervising cremations.

29 b. Furnishing Making funeral arrangements or furnishing  
30 any funeral services, ~~or-embalming,~~ in connection with the  
31 disposition of dead human bodies or sale of any casket, vault,  
32 urn, or other burial receptacle.

33 c. Using the words, "funeral director", "mortician" or any  
34 other title implying that the person is engaged as a funeral  
35 director as defined in this section.

1 d. Embalming by disinfecting or preserving dead human  
2 bodies, entire or in part, by the use of chemical substances,  
3 fluids or gases in the body, or by the introduction of same  
4 into the body by vascular or hypodermic injections, or by  
5 direct application into the organs or cavities for the purpose  
6 of preservation or disinfection.

7 Nothing contained in this chapter shall be construed as  
8 prohibiting the operation of any funeral home, or funeral  
9 establishment, or cremation establishment by any person, heir,  
10 fiduciary, firm, co-operative burial association, or  
11 corporation, ~~provided that.~~ However, each such person, firm,  
12 co-operative burial association, or corporation shall employ  
13 ensure that all mortuary science services are provided by a  
14 funeral director, and shall keep the Iowa department of public  
15 health advised of the name of the funeral director.

16 Sec. 2. Section 156.2, Code 1995, is amended to read as  
17 follows:

18 156.2 PERSONS EXCLUDED.

19 Section 156.1 shall not be construed to include the  
20 following classes of persons:

21 1. Manufacturers, wholesalers, and jobbers distributors,  
22 and retailers of caskets, vaults, urns, or other burial  
23 receptacles not engaged in the other functions of furnishing  
24 of funeral services or embalming as above defined.

25 ~~2. Those who distribute or sell caskets, vaults, or any~~  
26 ~~other burial receptacles and who do not furnish any funeral~~  
27 ~~service or embalming, except a registered apprentice under the~~  
28 ~~personal direction of a funeral director.~~

29 ~~3.~~ 2. Those who use bodies for scientific purposes as  
30 defined in sections 142.1, 142.2, and 142.5; or those who make  
31 scientific examinations of dead bodies, or perform autopsies.

32 ~~4.~~ 3. Physicians or institutions who preserve parts of  
33 human bodies either for scientific purposes or for use as  
34 evidence in prospective legal cases.

35 ~~5.~~ 4. Persons burying who, without compensation, bury

1 their own dead under a burial permit ~~from the registrar of~~  
2 ~~vital statistics~~ transit permit secured pursuant to section  
3 144.32.

4 Sec. 3. Section 156.4, subsections 1 and 5, Code 1995, are  
5 amended to read as follows:

6 1. The practice of a funeral director must be conducted  
7 from a funeral establishment ~~equipped for the care and~~  
8 ~~preparation for burial or transportation of dead human bodies~~  
9 licensed by the board.

10 5. After the applicant shall have completed satisfactorily  
11 the course of instruction in mortuary science in an accredited  
12 school approved by the board, the applicant must pass the  
13 examination prescribed by the board as provided in section  
14 147.34. The applicant may then receive ~~a class "A"~~  
15 ~~certificate of apprenticeship~~ an internship certificate and  
16 shall then complete a minimum ~~of one additional year of~~  
17 ~~apprenticeship~~ one year internship as determined by the board.  
18 ~~The apprentice shall assist in the direction of not less than~~  
19 ~~twenty-five funerals under the direct supervision of a funeral~~  
20 ~~director. The apprentice shall arterially embalm not less~~  
21 ~~than twenty-five dead human bodies under the direct~~  
22 ~~supervision of a funeral director. The~~ After completion of  
23 the internship, the applicant shall demonstrate proficiency as  
24 directed by the board ~~of mortuary science examiners by~~  
25 ~~practical examination.~~

26 Sec. 4. Section 156.8, Code 1995, is amended to read as  
27 follows:

28 156.8 APPRENTICESHIP INTERNSHIPS.

29 The board shall, by rule, provide for ~~apprenticeships~~  
30 internships in funeral directing mortuary science, and shall  
31 regulate the registration, training, and fee for  
32 apprenticeships internships.

33 Sec. 5. Section 156.9, Code 1995, is amended to read as  
34 follows:

35 156.9 REVOCATION OF LICENSE.

1 1. Notwithstanding section 147.87 and in addition to the  
 2 provisions of sections 147.58 through 147.71, the board may  
 3 restrict, suspend, or revoke a license to practice mortuary  
 4 science or place a licensee on probation. The board shall  
 5 adopt rules of procedure pursuant to chapter 17A by which to  
 6 restrict, suspend, or revoke a license. The board may also  
 7 adopt rules pursuant to chapter 17A relating to conditions of  
 8 license reinstatement.

9 2. The In addition to the grounds stated in sections  
 10 147.55 and 272C.10, the board may revoke or suspend the  
 11 license of a funeral director for any one of the following  
 12 acts:

13 ~~1-~~ a. Knowingly misrepresenting any material matter to a  
 14 prospective purchaser of funeral merchandise, furnishings, or  
 15 services.

16 ~~2-~~ b. Executing a death certificate or shipping-paper  
 17 burial transit permit for use of by anyone except a funeral  
 18 director or a registered-apprentice certified intern who is  
 19 working under the immediate-personal direct supervision of a  
 20 funeral director unless otherwise allowed under section  
 21 144.32.

22 ~~3-~~ c. Any-of-the-applicable-grounds-for-revocation-or  
 23 suspension-of-a-license-provided-in-chapters-147-and-272C  
 24 Knowingly aiding, assisting, procuring, advising, or allowing  
 25 a person to unlawfully practice mortuary science.

26 d. Willful or repeated violations of this chapter, or the  
 27 rules adopted pursuant to this chapter.

28 Sec. 6. Section 156.10, Code 1995, is amended to read as  
 29 follows:

30 156.10 INSPECTION.

31 The director of public health shall inspect all places  
 32 where dead human bodies are prepared or held for burial, or  
 33 entombment, or cremation, and ~~to prescribe~~ shall adopt and  
 34 enforce such rules and regulations in connection ~~therewith~~  
 35 with the inspection as shall be necessary for the preservation

1 of the public health.

2 An inspection fee for each place where dead human bodies  
3 are prepared for burial or cremation shall be fifteen dollars  
4 per year, which shall be collected by the director of public  
5 health. ~~The inspection fees collected under this section  
6 shall be paid to the treasurer of state who shall maintain a  
7 trust fund to be used only for paying the cost of inspection  
8 of such places.~~

9 Sec. 7. NEW SECTION. 156.14 FUNERAL ESTABLISHMENT AND  
10 CREMATION ESTABLISHMENT LICENSE.

11 1. A person shall not establish, conduct, or maintain a  
12 funeral establishment or a cremation establishment in this  
13 state without a license. The license shall be identified as  
14 an establishment license.

15 a. An establishment license issued by the board under this  
16 chapter shall be issued for a site and in the name of the  
17 individual in charge and is not transferable or assignable.

18 b. A license is required for each place of practice.

19 c. The license of the establishment shall be displayed.

20 2. The board shall specify by rule the licensing  
21 procedures to be followed, including specifications of forms  
22 for use in applying for an establishment license and fees for  
23 filing an application. The board shall specify by rule  
24 minimum standards for professional responsibility in the  
25 conduct of a funeral establishment or a cremation  
26 establishment.

27 3. To qualify for a funeral establishment or a cremation  
28 establishment license, the applicant shall submit to the board  
29 a license fee as determined by the board and a completed  
30 application on a form prescribed by the board that shall  
31 include the following information and be given under oath:

32 a. Ownership of the establishment.

33 b. Location of the establishment.

34 c. The license number of each funeral director employed by  
35 the establishment at the time of the application.

1 d. The trade or corporate name of the establishment.  
2 e. The name of the individual in charge, who has the  
3 authority and responsibility for the establishment's  
4 compliance with laws and rules pertaining to the operation of  
5 the establishment.

6 4. A person who falsely makes the affidavit prescribed in  
7 subsection 3 is subject to all penalties prescribed for making  
8 a false affidavit.

9 **Sec. 8. NEW SECTION. 156.15 FUNERAL ESTABLISHMENTS AND**  
10 **CREMATION ESTABLISHMENTS -- LICENSE REQUIRED -- DISCIPLINE,**  
11 **VIOLATIONS, AND PENALTIES.**

12 1. A funeral establishment or cremation establishment  
13 shall not be operated until a license or renewal certificate  
14 has been issued to the establishment by the board.

15 2. The board shall refuse to issue an establishment  
16 license when an applicant fails to meet the requirements of  
17 section 156.14. The board may refuse to issue or renew a  
18 license or may impose a penalty, not to exceed ten thousand  
19 dollars, issue a reprimand, or revoke, restrict, cancel, or  
20 suspend a license, and may place a licensee on probation, if  
21 the board finds that the applicant or licensee has done any of  
22 the following:

23 a. Been convicted of a felony or a misdemeanor involving  
24 moral turpitude, or if the applicant is an association, joint  
25 stock company, partnership, or corporation, that a managing  
26 officer has been convicted of a felony or a misdemeanor  
27 involving moral turpitude, under the laws of this state,  
28 another state, or the United States.

29 b. Violated this chapter or any rule adopted under this  
30 chapter or that any owner or employee of the establishment has  
31 violated this chapter or any rule adopted under this chapter.

32 c. Knowingly aided, assisted, procured, advised, or  
33 allowed a person to unlawfully practice mortuary science.

34 d. Failed to engage in or ceased to engage in the business  
35 described in the application for a license.

1 3. Failed to keep and maintain records as required by this  
2 chapter or rules adopted under this chapter.

3 EXPLANATION

4 This bill expands the authority of the mortuary science  
5 board to regulate cremation services, establishes licenses for  
6 cremation and funeral establishments, and provides that the  
7 board establish standards for these establishments.

8 Section 1 defines cremation and funeral establishments.  
9 Intern replaces the term apprentice throughout the chapter and  
10 is defined in this section.

11 Section 2 strikes unnecessary language and includes the  
12 Code section where the procedure for obtaining a burial  
13 transit permit is for those individuals who bury their own  
14 dead.

15 Sections 3 and 4 make necessary changes in terminology.  
16 The apprenticeship certificate is changed to require a one-  
17 year internship in mortuary science.

18 Section 5 expands the options the board has when taking  
19 action against a licensee, including probation. The section  
20 also clarifies the grounds on which the board can take action  
21 against a licensee.

22 Section 6 adds cremation to public health inspections and  
23 strikes the language providing for a trust fund to be set up  
24 by the treasurer of state.

25 Section 7 establishes licenses for funeral and cremation  
26 establishments. This includes qualifications for license,  
27 development of professional standards, and the ability to set  
28 fees.

29 Section 8 requires licensure and provides the board with  
30 the authority to impose fines not to exceed \$10,000,  
31 suspension, revocation, or other penalties against a licensed  
32 establishment.

33

34

35



## SENATE FILE 259

H-5651

1 Amend Senate File 259, as passed by the Senate, as  
2 follows:  
3 1. Page 7, by inserting after line 2 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 331.805, subsection 3,  
6 paragraph b, Code 1995, is amended to read as follows:  
7 b. If the next of kin, guardian, or other person  
8 authorized to act on behalf of a deceased person has  
9 requested that the body of the deceased person be  
10 cremated, a permit for cremation must be obtained from  
11 a medical examiner. However, a permit is not required  
12 if the deceased person was a member of an established  
13 religion whose tenets are opposed to the inspection or  
14 examination of the body of a deceased person.  
15 Cremation permits by the medical examiner must be made  
16 on the most current forms prepared at the direction of  
17 and approved by the state medical examiner, with  
18 copies forwarded to the state medical examiner's  
19 office. Costs for the cremation permit issued by a  
20 medical examiner shall not exceed twenty-five thirty-  
21 five dollars. The costs shall be borne by the family,  
22 next of kin, guardian of the decedent, or other  
23 person."  
24 2. By renumbering as necessary.

By GRUNDBERG of Polk

H-5651 FILED MARCH 26, 1996

*adopted 4-2-96 (P 1312)*

SENATE FILE 259

H-5636

1 Amend the amendment, H-5302, to Senate File 259, as  
2 passed by the Senate, as follows:  
3 1. Page 1, line 17, by striking the word "three"  
4 and inserting the following: "four".  
5 2. Page 1, line 19, by striking the words "one  
6 member" and inserting the following: "two members".

By BRADLEY of Clinton

TYRRELL of Iowa

CATALDO of Polk

H-5636 FILED MARCH 26, 1996

*adopted 4-2-96 (P 1311)*

SENATE FILE 259

H-5302

1 Amend Senate File 259 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 147.14, subsection 1, Code  
5 1995, is amended to read as follows:

6 1. For podiatry, barbering, ~~mortuary-science~~, and  
7 social work, three members each, licensed to practice  
8 the profession for which the board conducts  
9 examinations, and two members who are not licensed to  
10 practice the profession for which the board conducts  
11 examinations and who shall represent the general  
12 public. A quorum shall consist of a majority of the  
13 members of the board.

14 Sec. 2. Section 147.14, Code 1995, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 15. For mortuary science  
17 examiners, three members licensed to practice mortuary  
18 science, one member owning, operating, or employed by  
19 a crematory, and one member not licensed to practice  
20 mortuary science and not a crematory owner, operator,  
21 or employee who shall represent the general public. A  
22 majority of the members of the board constitutes a  
23 quorum."

24 2. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT  
MARTIN of Scott, Chairperson

H-5302 FILED MARCH 12, 1996

*Adopted 4-2-96 (p.1311)*

## SENATE FILE 259

S-5658

1 Amend the House amendment, S-5636, to Senate File  
2 259, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 3 the  
4 following:

5 "Section 1. Section 142.3, Code 1995, is amended  
6 to read as follows:

7 142.3 NOTIFICATION OF DEPARTMENT.

8 Every county medical examiner, person holding a  
9 cremation establishment license, funeral director, or  
10 embalmer, and or the managing officer of every public  
11 asylum, hospital, county care facility, penitentiary,  
12 or reformatory, as soon as any dead body shall come  
13 into the person's custody which may be used for  
14 scientific purposes as provided in sections 142.1 and  
15 142.2, shall at once notify the nearest relative or  
16 friend of the deceased, if known, and the Iowa  
17 department of public health by telegram, and hold such  
18 body unburied or not cremated for forty-eight hours.  
19 Upon receipt of such telegram the department shall  
20 telegraph instructions relative to the disposition to  
21 be made of said body. Complete jurisdiction over said  
22 bodies is vested exclusively in the Iowa department of  
23 public health. No autopsy or post mortem, except as  
24 are legally ordered by county medical examiners, shall  
25 be performed on any of said bodies prior to their  
26 delivery to the medical schools.

27 Sec. 2. Section 144.27, Code 1995, is amended to  
28 read as follows:

29 144.27 FUNERAL DIRECTOR'S OR LICENSED CREMATOR'S  
30 DUTY.

31 The A funeral director or person holding a  
32 cremation establishment license who first assumes  
33 custody of a dead body shall file the death  
34 certificate, obtain the personal data from the next of  
35 kin or the best qualified person or source available  
36 and obtain the medical certification of cause of death  
37 from the person responsible for issuing and signing  
38 the certification. When a person other than a funeral  
39 director or person holding a cremation establishment  
40 license assumes custody of a dead body, the person  
41 shall be responsible for carrying out the provisions  
42 of this section.

43 Sec. 3. Section 144.30, Code 1995, is amended to  
44 read as follows:

45 144.30 FUNERAL DIRECTOR'S OR LICENSED CREMATOR'S  
46 DUTY.

47 The A funeral director or person holding a  
48 cremation establishment license who first assumes  
49 custody of a fetus shall file the fetal death  
50 certificate. In the absence of such a person, the

S-5658

S-5658

Page 2

1 physician or other person in attendance at or after  
2 the delivery shall file the certificate of fetal  
3 death. The person filing the certificate shall obtain  
4 the personal data from the next of kin or the best  
5 qualified person or source available and shall obtain  
6 the medical certification of cause of death from the  
7 person responsible for issuing and signing the  
8 certification. When a person other than a funeral  
9 director or person holding a cremation establishment  
10 license assumes custody of a fetus, the person shall  
11 be responsible for carrying out the provisions of this  
12 section.

13 Sec. 4. Section 144.32, unnumbered paragraphs 1  
14 and 2, Code 1995, are amended to read as follows:

15 If a person other than a funeral director or person  
16 holding a cremation establishment license assumes  
17 custody of a dead body or fetus, the person shall  
18 secure a burial-transit permit. To be valid, the  
19 burial-transit permit must be issued by the county  
20 medical examiner, a funeral director, a person holding  
21 a cremation establishment license, or the county  
22 registrar of the county where the certificate of death  
23 or fetal death was filed. The permit shall be  
24 obtained prior to the removal of the body or fetus  
25 from the place of death and the permit shall accompany  
26 the body or fetus to the place of final disposition.

27 To transfer a dead body or fetus outside of this  
28 state, the funeral director or person holding a  
29 cremation establishment license who first assumes  
30 custody of the dead body or fetus shall obtain a  
31 burial-transit permit prior to the transfer. The  
32 permit shall accompany the dead body or fetus to the  
33 place of final disposition.

34 Sec. 5. Section 144.49, Code 1995, is amended to  
35 read as follows:

36 144.49 ADDITIONAL RECORD BY FUNERAL DIRECTOR OR  
37 LICENSED CREMATOR.

38 A funeral director, person holding a cremation  
39 establishment license, or other person who removes  
40 from the place of death or transports or finally  
41 disposes of a dead body or fetus, in addition to  
42 filing any certificate or other form required by this  
43 chapter, shall keep a record which shall identify the  
44 body, and information pertaining to the funeral  
45 director's or other person's receipt, removal, and  
46 delivery of the body as prescribed by the department."

47 2. Page 1, by inserting after line 23 the  
48 following:

49 "\_\_\_\_". Page 1, by inserting after line 12 the  
50 following:

S-5658

S-5658

Page 3

1 "2A. "Cremation director" means a person licensed  
2 by the department to establish, conduct, or maintain a  
3 cremation establishment as provided in section 156.16,  
4 and provide any aspect of mortuary science pertaining  
5 to the performance of cremations."

6 \_\_\_\_\_. Page 1, by striking line 14 and inserting  
7 the following: "defined and licensed by the  
8 department which provides cremation".

9 \_\_\_\_\_. Page 1, by striking lines 26 through 28 and  
10 inserting the following:

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

14 \_\_\_\_\_. Page 1, line 30, by inserting after the word  
15 "embalming," the following: "or making cremation  
16 arrangements or furnishing cremation services".

17 \_\_\_\_\_. Page 1, line 33, by inserting after the word  
18 "mortician" the following: ", or cremation  
19 director",".

20 \_\_\_\_\_. Page 1, line 35, by inserting after the word  
21 "director" the following: "or cremation director".

22 \_\_\_\_\_. Page 2, line 6, by inserting after the word  
23 "disinfection" the following: ", or by performing  
24 cremation upon a dead human body".

25 \_\_\_\_\_. Page 2, line 14, by inserting after the word  
26 "director," the following: "or by a cremation  
27 director with respect to cremations,".

28 \_\_\_\_\_. Page 2, line 15, by inserting after the word  
29 "funeral" the following: "or cremation".

30 \_\_\_\_\_. Page 5, by striking lines 9 and 10 and  
31 inserting the following:

32 "Sec. 7. NEW SECTION. 156.14 FUNERAL  
33 ESTABLISHMENT LICENSE."

34 \_\_\_\_\_. Page 5, line 12, by striking the words "or a  
35 cremation establishment".

36 \_\_\_\_\_. Page 5, by striking lines 25 through 28 and  
37 inserting the following: "conduct of a funeral  
38 establishment.

39 3. To qualify for a funeral establishment license,  
40 the applicant shall submit to the board".

41 \_\_\_\_\_. Page 6, by striking lines 9 and 10 and  
42 inserting the following:

43 "Sec. \_\_\_\_\_. NEW SECTION. 156.15 FUNERAL  
44 ESTABLISHMENTS -- LICENSE REQUIRED -- DISCIPLINE,".

45 \_\_\_\_\_. Page 6, by striking line 12 and inserting  
46 the following:

47 "1. A funeral establishment".

48 \_\_\_\_\_. Page 7, by inserting after line 2 the  
49 following:

50 "Sec. \_\_\_\_\_. NEW SECTION. 156.16 CREMATION

S-5658

S-5658

Page 4

## 1 ESTABLISHMENT LICENSE.

2 1. A person shall not establish, conduct, or  
3 maintain a cremation establishment in this state  
4 without a license. The license shall be identified as  
5 a cremation establishment license.

6 a. A cremation establishment license issued by the  
7 department under this chapter shall be issued for a  
8 site and in the name of the individual in charge and  
9 is not transferable or assignable.

10 b. A license is required for each place of  
11 practice.

12 c. The license shall be displayed.

13 2. The department shall specify by rule pursuant  
14 to chapter 17A the licensing procedures to be  
15 followed, including specifications of forms for use in  
16 applying for an establishment license and fees for  
17 filing an application. The department shall specify  
18 by rule minimum standards for professional  
19 responsibility in the conduct of a cremation  
20 establishment.

21 3. To qualify for a cremation establishment  
22 license, the applicant shall submit to the department  
23 a license fee as determined by the department that  
24 shall include the following information and be given  
25 under oath:

26 a. Ownership of the establishment.

27 b. Location of the establishment.

28 c. The trade or corporate name of the  
29 establishment.

30 d. The name of the individual in charge, who has  
31 the authority and responsibility for the  
32 establishment's compliance with laws and rules  
33 pertaining to the operation of the establishment.

34 4. A person who falsely makes the affidavit  
35 prescribed in subsection 3 is subject to all penalties  
36 prescribed for making a false affidavit.

37 Sec. . NEW SECTION. 156.17 CREMATION  
38 ESTABLISHMENTS -- LICENSE REQUIRED -- PENALTIES.

39 1. A cremation establishment shall not be operated  
40 until a license or renewal certificate has been issued  
41 to the establishment by the department.

42 2. The department shall refuse to issue a  
43 cremation establishment license when an applicant  
44 fails to meet the requirements of section 156.16. The  
45 department may refuse to issue or renew a license or  
46 may impose a penalty, not to exceed two thousand  
47 dollars, issue a reprimand, or revoke, restrict,  
48 cancel, or suspend a license, and may place a licensee  
49 on probation, if the department finds that the  
50 applicant or licensee has done any of the following:

S-5658

-4-

S-5658

Page 5

- 1 a. Been convicted of a felony or a misdemeanor  
2 involving moral turpitude, or if the applicant is an  
3 association, joint stock company, partnership, or  
4 corporation, that a managing officer has been  
5 convicted of a felony or a misdemeanor involving moral  
6 turpitude, under the laws of this state, another  
7 state, or the United States.
- 8 b. Violated this chapter or any rule adopted under  
9 this chapter.
- 10 c. Failed to engage in or ceased to engage in the  
11 business described in the application for a license.
- 12 3. Failed to keep and maintain records as required  
13 by this chapter or rules adopted under this chapter."
- 14 3. Page 1, by inserting after line 44 the  
15 following:  
16 "\_\_\_\_. Title page, line 1, by inserting after the  
17 word "the" the following: "care of a dead body or  
18 fetus,".  
19 \_\_\_\_\_. Title page, line 2, by striking the words  
20 "and licensing" and inserting the following:  
21 "licensing".  
22 \_\_\_\_\_. Title page, line 2, by inserting after the  
23 word "establishments" the following: "and cremation  
24 establishments,"."

By ROD HALVORSON

S-5658 FILED APRIL 3, 1996  
ADOPTED (p. 1226)

## SENATE FILE 259

S-5640

- 1 Amend the House amendment, S-5636, to Senate File  
2 259, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, line 17, by striking the word "four"  
5 and inserting the following: "three".  
6 2. Page 1, line 19, by striking the word "two"  
7 and inserting the following: "three".

By ROD HALVORSON

S-5640 FILED APRIL 3, 1996  
WITHDRAWN (p. 1226)

HOUSE AMENDMENT TO  
SENATE FILE 259

S-5636

1 Amend Senate File 259 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 147.14, subsection 1, Code  
5 1995, is amended to read as follows:

6 1. For podiatry, barbering, ~~mortuary-science~~, and  
7 social work, three members each, licensed to practice  
8 the profession for which the board conducts  
9 examinations, and two members who are not licensed to  
10 practice the profession for which the board conducts  
11 examinations and who shall represent the general  
12 public. A quorum shall consist of a majority of the  
13 members of the board.

14 Sec. 2. Section 147.14, Code 1995, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 15. For mortuary science  
17 examiners, four members licensed to practice mortuary  
18 science, one member owning, operating, or employed by  
19 a crematory, and two members not licensed to practice  
20 mortuary science and not a crematory owner, operator,  
21 or employee who shall represent the general public. A  
22 majority of the members of the board constitutes a  
23 quorum."

24 2. Page 7, by inserting after line 2 the  
25 following:

26 "Sec. \_\_\_\_\_. Section 331.805, subsection 3,  
27 paragraph b, Code 1995, is amended to read as follows:

28 b. If the next of kin, guardian, or other person  
29 authorized to act on behalf of a deceased person has  
30 requested that the body of the deceased person be  
31 cremated, a permit for cremation must be obtained from  
32 a medical examiner. However, a permit is not required  
33 if the deceased person was a member of an established  
34 religion whose tenets are opposed to the inspection or  
35 examination of the body of a deceased person.  
36 Cremation permits by the medical examiner must be made  
37 on the most current forms prepared at the direction of  
38 and approved by the state medical examiner, with  
39 copies forwarded to the state medical examiner's  
40 office. Costs for the cremation permit issued by a  
41 medical examiner shall not exceed ~~twenty-five~~ thirty-  
42 five dollars. The costs shall be borne by the family,  
43 next of kin, guardian of the decedent, or other  
44 person."

45 3. By renumbering, relettering, or redesignating  
46 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5636 FILED APRIL 2, 1996

*Senate concurred in as amended 4/3/96*  
*(p. 1226)*



SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 259  
H-5855

1 Amend the House amendment, S-5636, to Senate File  
2 259, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 3 the  
4 following:

5 "Section 1. Section 142.3, Code 1995, is amended  
6 to read as follows:

7 142.3 NOTIFICATION OF DEPARTMENT.

8 Every county medical examiner, person holding a  
9 cremation establishment license, funeral director, or  
10 embalmer, and or the managing officer of every public  
11 asylum, hospital, county care facility, penitentiary,  
12 or reformatory, as soon as any dead body shall come  
13 into the person's custody which may be used for  
14 scientific purposes as provided in sections 142.1 and  
15 142.2, shall at once notify the nearest relative or  
16 friend of the deceased, if known, and the Iowa  
17 department of public health by telegram, and hold such  
18 body unburied or not cremated for forty-eight hours.  
19 Upon receipt of such telegram the department shall  
20 telegraph instructions relative to the disposition to  
21 be made of said body. Complete jurisdiction over said  
22 bodies is vested exclusively in the Iowa department of  
23 public health. No autopsy or post mortem, except as  
24 are legally ordered by county medical examiners, shall  
25 be performed on any of said bodies prior to their  
26 delivery to the medical schools.

27 Sec. 2. Section 144.27, Code 1995, is amended to  
28 read as follows:

29 144.27 FUNERAL DIRECTOR'S OR LICENSED CREMATOR'S  
30 DUTY.

31 The A funeral director or person holding a  
32 cremation establishment license who first assumes  
33 custody of a dead body shall file the death  
34 certificate, obtain the personal data from the next of  
35 kin or the best qualified person or source available  
36 and obtain the medical certification of cause of death  
37 from the person responsible for issuing and signing  
38 the certification. When a person other than a funeral  
39 director or person holding a cremation establishment  
40 license assumes custody of a dead body, the person  
41 shall be responsible for carrying out the provisions  
42 of this section.

43 Sec. 3. Section 144.30, Code 1995, is amended to  
44 read as follows:

45 144.30 FUNERAL DIRECTOR'S OR LICENSED CREMATOR'S  
46 DUTY.

47 The A funeral director or person holding a  
48 cremation establishment license who first assumes  
49 custody of a fetus shall file the fetal death  
50 certificate. In the absence of such a person, the

H-5855

H-5855

Page 2

1 physician or other person in attendance at or after  
2 the delivery shall file the certificate of fetal  
3 death. The person filing the certificate shall obtain  
4 the personal data from the next of kin or the best  
5 qualified person or source available and shall obtain  
6 the medical certification of cause of death from the  
7 person responsible for issuing and signing the  
8 certification. When a person other than a funeral  
9 director or person holding a cremation establishment  
10 license assumes custody of a fetus, the person shall  
11 be responsible for carrying out the provisions of this  
12 section.

13 Sec. 4. Section 144.32, unnumbered paragraphs 1  
14 and 2, Code 1995, are amended to read as follows:

15 If a person other than a funeral director or person  
16 holding a cremation establishment license assumes  
17 custody of a dead body or fetus, the person shall  
18 secure a burial-transit permit. To be valid, the  
19 burial-transit permit must be issued by the county  
20 medical examiner, a funeral director, a person holding  
21 a cremation establishment license, or the county  
22 registrar of the county where the certificate of death  
23 or fetal death was filed. The permit shall be  
24 obtained prior to the removal of the body or fetus  
25 from the place of death and the permit shall accompany  
26 the body or fetus to the place of final disposition.

27 To transfer a dead body or fetus outside of this  
28 state, the funeral director or person holding a  
29 cremation establishment license who first assumes  
30 custody of the dead body or fetus shall obtain a  
31 burial-transit permit prior to the transfer. The  
32 permit shall accompany the dead body or fetus to the  
33 place of final disposition.

34 Sec. 5. Section 144.49, Code 1995, is amended to  
35 read as follows:

36 144.49 ADDITIONAL RECORD BY FUNERAL DIRECTOR OR  
37 LICENSED CREMATOR.

38 A funeral director, person holding a cremation  
39 establishment license, or other person who removes  
40 from the place of death or transports or finally  
41 disposes of a dead body or fetus, in addition to  
42 filing any certificate or other form required by this  
43 chapter, shall keep a record which shall identify the  
44 body, and information pertaining to the funeral  
45 director's or other person's receipt, removal, and  
46 delivery of the body as prescribed by the department."

47 2. Page 1, by inserting after line 23 the  
48 following:

49 " ". Page 1, by inserting after line 12 the  
50 following:

H-5855

-2-

H-5855

Page 3

1 "2A. "Cremation director" means a person licensed  
2 by the department to establish, conduct, or maintain a  
3 cremation establishment as provided in section 156.16,  
4 and provide any aspect of mortuary science pertaining  
5 to the performance of cremations."

6 \_\_\_\_\_. Page 1, by striking line 14 and inserting  
7 the following: "defined and licensed by the  
8 department which provides cremation".

9 \_\_\_\_\_. Page 1, by striking lines 26 through 28 and  
10 inserting the following:

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

14 \_\_\_\_\_. Page 1, line 30, by inserting after the word  
15 "embalming," the following: "or making cremation  
16 arrangements or furnishing cremation services".

17 \_\_\_\_\_. Page 1, line 33, by inserting after the word  
18 "mortician" the following: ", or cremation  
19 director,".

20 \_\_\_\_\_. Page 1, line 35, by inserting after the word  
21 "director" the following: "or cremation director".

22 \_\_\_\_\_. Page 2, line 6, by inserting after the word  
23 "disinfection" the following: ", or by performing  
24 cremation upon a dead human body".

25 \_\_\_\_\_. Page 2, line 14, by inserting after the word  
26 "director," the following: "or by a cremation  
27 director with respect to cremations,".

28 \_\_\_\_\_. Page 2, line 15, by inserting after the word  
29 "funeral" the following: "or cremation".

30 \_\_\_\_\_. Page 5, by striking lines 9 and 10 and  
31 inserting the following:

32 "Sec. 7. NEW SECTION. 156.14 FUNERAL  
33 ESTABLISHMENT LICENSE."

34 \_\_\_\_\_. Page 5, line 12, by striking the words "or a  
35 cremation establishment".

36 \_\_\_\_\_. Page 5, by striking lines 25 through 28 and  
37 inserting the following: "conduct of a funeral  
38 establishment.

39 \_\_\_\_\_. 3. To qualify for a funeral establishment license,  
40 the applicant shall submit to the board".

41 \_\_\_\_\_. Page 6, by striking lines 9 and 10 and  
42 inserting the following:

43 "Sec. \_\_\_\_\_. NEW SECTION. 156.15 FUNERAL  
44 ESTABLISHMENTS -- LICENSE REQUIRED -- DISCIPLINE,".

45 \_\_\_\_\_. Page 6, by striking line 12 and inserting  
46 the following:

47 "1. A funeral establishment".

48 \_\_\_\_\_. Page 7, by inserting after line 2 the  
49 following:

50 "Sec. \_\_\_\_\_. NEW SECTION. 156.16 CREMATION

H-5855

-3-

H-5855

Page 4

## 1 ESTABLISHMENT LICENSE.

2 1. A person shall not establish, conduct, or  
3 maintain a cremation establishment in this state  
4 without a license. The license shall be identified as  
5 a cremation establishment license.

6 a. A cremation establishment license issued by the  
7 department under this chapter shall be issued for a  
8 site and in the name of the individual in charge and  
9 is not transferable or assignable.

10 b. A license is required for each place of  
11 practice.

12 c. The license shall be displayed.

13 2. The department shall specify by rule pursuant  
14 to chapter 17A the licensing procedures to be  
15 followed, including specifications of forms for use in  
16 applying for an establishment license and fees for  
17 filing an application. The department shall specify  
18 by rule minimum standards for professional  
19 responsibility in the conduct of a cremation  
20 establishment.

21 3. To qualify for a cremation establishment  
22 license, the applicant shall submit to the department  
23 a license fee as determined by the department that  
24 shall include the following information and be given  
25 under oath:

26 a. Ownership of the establishment.

27 b. Location of the establishment.

28 c. The trade or corporate name of the  
29 establishment.

30 d. The name of the individual in charge, who has  
31 the authority and responsibility for the  
32 establishment's compliance with laws and rules  
33 pertaining to the operation of the establishment.

34 4. A person who falsely makes the affidavit  
35 prescribed in subsection 3 is subject to all penalties  
36 prescribed for making a false affidavit.

37 Sec. \_\_\_\_ . NEW SECTION. 156.17 CREMATION  
38 ESTABLISHMENTS -- LICENSE REQUIRED -- PENALTIES.

39 1. A cremation establishment shall not be operated  
40 until a license or renewal certificate has been issued  
41 to the establishment by the department.

42 2. The department shall refuse to issue a  
43 cremation establishment license when an applicant  
44 fails to meet the requirements of section 156.16. The  
45 department may refuse to issue or renew a license or  
46 may impose a penalty, not to exceed two thousand  
47 dollars, issue a reprimand, or revoke, restrict,  
48 cancel, or suspend a license, and may place a licensee  
49 on probation, if the department finds that the  
50 applicant or licensee has done any of the following:

H-5855

-4-

H-5855 .

Page 5

- 1 a. Been convicted of a felony or a misdemeanor  
2 involving moral turpitude, or if the applicant is an  
3 association, joint stock company, partnership, or  
4 corporation, that a managing officer has been  
5 convicted of a felony or a misdemeanor involving moral  
6 turpitude, under the laws of this state, another  
7 state, or the United States.
- 8 b. Violated this chapter or any rule adopted under  
9 this chapter.
- 10 c. Failed to engage in or ceased to engage in the  
11 business described in the application for a license.
- 12 3. Failed to keep and maintain records as required  
13 by this chapter or rules adopted under this chapter."
- 14 3. Page 1, by inserting after line 44 the  
15 following:  
16 "\_\_\_\_\_. Title page, line 1, by inserting after the  
17 word "the" the following: "care of a dead body or  
18 fetus,".  
19 \_\_\_\_\_. Title page, line 2, by striking the words  
20 "and licensing" and inserting the following:  
21 "licensing".  
22 \_\_\_\_\_. Title page, line 2, by inserting after the  
23 word "establishments" the following: "and cremation  
24 establishments,"."

RECEIVED FROM THE SENATE

H-5855 FILED APRIL 3, 1996.

*House Refused*  
4-10-96  
(p. 1518)

Sorensen  
Connolly  
Lundby

SSB 102

State Government  
Succeeded By

SENATE/HOUSE FILE SF/HE 259  
BY (PROPOSED DEPARTMENT OF  
PUBLIC HEALTH BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the practice of mortuary science, cremation,  
2 and licensing of funeral establishments and providing  
3 penalties.

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

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 Section 1. Section 156.1, Code 1995, is amended to read as  
2 follows:

3 156.1 DEFINITIONS.

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

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

8 2. "Cremation" means the technical process, using heat and  
9 flame, that reduces human remains to bone fragments. The  
10 reduction takes place through heat and evaporation. Cremation  
11 shall include the processing, and may include the  
12 pulverization, of the bone fragments.

13 3. "Cremation establishment" means a place of business as  
14 defined by the board which provides any aspect of cremation  
15 services.

16 2- 4. "Funeral director" ~~shall-mean~~ means a person  
17 licensed by the board to practice mortuary science.

18 5. "Funeral establishment" means a place of business as  
19 defined by the board devoted to providing any aspect of  
20 mortuary science.

21 6. "Intern" means a person registered by the board to  
22 practice mortuary science under the direct supervision of a  
23 funeral director.

24 3- 7. "Mortuary science" ~~shall-mean~~ means the engaging in  
25 any of the following:

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

28 b. Furnishing any funeral services, or embalming, in  
29 connection with the disposition or sale of any casket, vault,  
30 urn, or other burial receptacle.

31 c. Using the words, "funeral director", "mortician" or any  
32 other title implying that the person is engaged as a funeral  
33 director as defined in this section.

34 d. Embalming by disinfecting or preserving dead human  
35 bodies, entire or in part, by the use of chemical substances,

1 fluids or gases in the body, or by the introduction of same  
2 into the body by vascular or hypodermic injections, or by  
3 direct application into the organs or cavities for the purpose  
4 of preservation or disinfection.

5 Nothing contained in this chapter shall be construed as  
6 prohibiting the operation of any funeral home, or funeral  
7 establishment, or cremation establishment by any person, heir,  
8 fiduciary, firm, co-operative burial association, or  
9 corporation, ~~provided that.~~ However, each such person, firm,  
10 co-operative burial association, or corporation shall employ  
11 ensure that all mortuary science services are provided by a  
12 funeral director, and shall keep the Iowa department of public  
13 health advised of the name of the funeral director.

14 Sec. 2. Section 156.2, Code 1995, is amended to read as  
15 follows:

16 156.2 PERSONS EXCLUDED.

17 Section 156.1 shall not be construed to include the  
18 following classes of persons:

19 1. Manufacturers, wholesalers, and jobbers distributors of  
20 caskets, vaults, urns, or other burial receptacles not engaged  
21 in the other functions of furnishing of funeral services or  
22 embalming as above defined.

23 ~~2. Those who distribute or sell caskets, vaults, or any~~  
24 ~~other burial receptacles and who do not furnish any funeral~~  
25 ~~service or embalming, except a registered apprentice under the~~  
26 ~~personal direction of a funeral director.~~

27 ~~3. 2.~~ Those who use bodies for scientific purposes as  
28 defined in sections 142.1, 142.2, and 142.5; or those who make  
29 scientific examinations of dead bodies; or perform autopsies.

30 ~~4. 3.~~ Physicians or institutions who preserve parts of  
31 human bodies either for scientific purposes or for use as  
32 evidence in prospective legal cases.

33 ~~5. 4.~~ Persons burying who, without compensation, bury  
34 their own dead under a burial permit from the registrar of  
35 vital statistics transit permit secured pursuant to 144.32.



1 Sec. 3. Section 156.3, Code 1995, is amended to read as  
2 follows:

3 156.3 ELIGIBILITY REQUIREMENTS.

4 To be eligible to take the examination for a funeral  
5 director's license, a person must ~~have-completed-two-academic~~  
6 ~~years-of-instruction-in-a-recognized-college-or-university-in~~  
7 ~~a-course-of-study-approved-by-the-board-or-have-equivalent~~  
8 ~~education-as-defined-by-the-board-and-have-satisfactorily~~  
9 ~~completed-a-course-of-instruction-in-mortuary-science-in-an~~  
10 ~~accredited-school-approved-by-the-board~~ possess a bachelor of  
11 arts or bachelor of science degree from an accredited college  
12 or university and must also have satisfactorily completed a  
13 course of instruction in mortuary science in an accredited  
14 school approved by the board.

15 Sec. 4. Section 156.4, subsections 1 and 5, Code 1995, are  
16 amended to read as follows:

17 1. The practice of a funeral director must be conducted  
18 from a funeral establishment ~~equipped-for-the-care-and~~  
19 ~~preparation-for-burial-or-transportation-of-dead-human-bodies~~  
20 licensed by the board.

21 5. After the applicant shall have completed satisfactorily  
22 the course of instruction in mortuary science in an accredited  
23 school approved by the board, the applicant must pass the  
24 examination prescribed by the board as provided in section  
25 147.34. The applicant may then receive ~~a-class-"A"~~  
26 ~~certificate-of-apprenticeship~~ an internship certificate and  
27 shall then complete a minimum ~~of-one-additional-year-of~~  
28 ~~apprenticeship~~ one-year internship as determined by the board.  
29 ~~The-apprentice-shall-assist-in-the-direction-of-not-less-than~~  
30 ~~twenty-five-funerals-under-the-direct-supervision-of-a-funeral~~  
31 ~~director.--The-apprentice-shall-arterially-embalm-not-less~~  
32 ~~than-twenty-five-dead-human-bodies-under-the-direct~~  
33 ~~supervision-of-a-funeral-director.--The~~ After completion of  
34 the internship, the applicant shall demonstrate proficiency as  
35 directed by the board ~~of-mortuary-science-examiners-by~~

1 ~~practical-examination.~~

2 Sec. 5. Section 156.8, Code 1995, is amended to read as  
3 follows:

4 156.8 APPRENTICESHIP INTERNSHIPS.

5 The board shall, by rule, provide for ~~apprenticeships~~  
6 internships in funeral-directing mortuary science, and shall  
7 regulate the registration, training, and fee for  
8 ~~apprenticeships~~ internships.

9 Sec. 6. Section 156.9, Code 1995, is amended to read as  
10 follows:

11 156.9 REVOCATION OF LICENSE.

12 1. Notwithstanding section 147.87 and in addition to the  
13 provisions of sections 147.58 through 147.71, the board may  
14 restrict, suspend, or revoke a license to practice mortuary  
15 science or place a licensee on probation. The board shall  
16 adopt rules of procedure pursuant to chapter 17A by which to  
17 restrict, suspend, or revoke a license. The board may also  
18 adopt rules pursuant to chapter 17A relating to conditions of  
19 license reinstatement.

20 2. The In addition to the grounds stated in sections  
21 147.55 and 272C.10, the board may revoke or suspend the  
22 license of a funeral director for any one of the following  
23 acts:

24 1. a. Knowingly misrepresenting any material matter to a  
25 prospective purchaser of funeral merchandise, furnishings, or  
26 services.

27 2. b. Executing a death certificate or shipping-paper  
28 burial transit permit for use of by anyone except a funeral  
29 director or a registered-apprentice certified intern who is  
30 working under the immediate-personal direct supervision of a  
31 funeral director unless otherwise allowed under section  
32 144.32.

33 3. c. Any-of-the-applicable-grounds-for-revocation-or  
34 suspension-of-a-license-provided-in-chapters-147-and-272C  
35 Knowingly aiding, assisting, procuring, advising, or allowing

1 a person to unlawfully practice mortuary science.

2 d. Willful or repeated violations of this chapter, or the  
3 rules adopted pursuant to this chapter.

4 Sec. 7. Section 156.10, Code 1995, is amended to read as  
5 follows:

6 156.10 INSPECTION.

7 The director of public health shall inspect all places  
8 where dead human bodies are prepared or held for burial, or  
9 entombment, or cremation, and to prescribe shall adopt and  
10 enforce such rules and regulations in connection therewith  
11 with the inspection as shall be necessary for the preservation  
12 of the public health.

13 An inspection fee for each place where dead human bodies  
14 are prepared for burial or cremation shall be fifteen dollars  
15 per year, which shall be collected by the director of public  
16 health. ~~The inspection fees collected under this section~~  
17 ~~shall be paid to the treasurer of state who shall maintain a~~  
18 ~~trust fund to be used only for paying the cost of inspection~~  
19 ~~of such places.~~

20 Sec. 8. NEW SECTION. 156.14 FUNERAL ESTABLISHMENT AND  
21 CREMATION ESTABLISHMENT LICENSE.

22 1. A person shall not establish, conduct, or maintain a  
23 funeral establishment or a cremation establishment in this  
24 state without a license. The license shall be identified as  
25 an establishment license.

26 a. An establishment license issued by the board under this  
27 chapter shall be issued for a site and in the name of the  
28 individual in charge and is not transferable or assignable.

29 b. A separate license is required for each principal place  
30 of practice.

31 c. The license of the establishment shall be displayed.

32 2. The board shall specify by rule the licensing  
33 procedures to be followed, including specifications of forms  
34 for use in applying for an establishment license and fees for  
35 filing an application. The board shall specify by rule

1 minimum standards for professional responsibility in the  
2 conduct of a funeral establishment or a cremation  
3 establishment.

4 3. To qualify for a funeral establishment or a cremation  
5 establishment license, the applicant shall submit to the board  
6 a license fee as determined by the board and a completed  
7 application on a form prescribed by the board that shall  
8 include the following information and be given under oath:

- 9 a. Ownership of the establishment.
- 10 b. Location of the establishment.
- 11 c. The license number of each funeral director employed by  
12 the establishment at the time of the application.
- 13 d. The trade or corporate name of the establishment.
- 14 e. The name of the individual in charge, who has the  
15 authority and responsibility for the establishment's  
16 compliance with laws and rules pertaining to the operation of  
17 the establishment.

18 4. A person who falsely makes the affidavit prescribed in  
19 subsection 3 is subject to all penalties prescribed for making  
20 a false affidavit.

21 Sec. 9. NEW SECTION. 156.15 FUNERAL ESTABLISHMENTS AND  
22 CREMATION ESTABLISHMENTS -- LICENSE REQUIRED -- DISCIPLINE,  
23 VIOLATIONS, AND PENALTIES.

24 1. A funeral establishment or cremation establishment  
25 shall not be operated until a license or renewal certificate  
26 has been issued to the establishment by the board.

27 2. The board shall refuse to issue an establishment  
28 license when an applicant fails to meet the requirements of  
29 section 156.14. The board may refuse to issue or renew a  
30 license or may impose a penalty, not to exceed ten thousand  
31 dollars, issue a reprimand, or revoke, restrict, cancel, or  
32 suspend a license, and may place a licensee on probation, if  
33 the board finds that the applicant or licensee has done any of  
34 the following:

- 35 a. Been convicted of a felony or a misdemeanor involving

1 moral turpitude, or if the applicant is an association, joint  
2 stock company, partnership, or corporation, that a managing  
3 officer has been convicted of a felony or a misdemeanor  
4 involving moral turpitude, under the laws of this state,  
5 another state, or the United States.

6 b. Violated this chapter or any rule adopted under this  
7 chapter or that any owner or employee of the establishment has  
8 violated this chapter or any rule adopted under this chapter.

9 c. Knowingly aided, assisted, procured, advised, or  
10 allowed a person to unlawfully practice mortuary science.

11 d. Failed to engage in or ceased to engage in the business  
12 described in the application for a license.

13 3. Failed to keep and maintain records as required by this  
14 chapter or rules adopted under this chapter.

15 EXPLANATION

16 This bill expands the authority of the mortuary science  
17 board to regulate cremation services, establishes licenses for  
18 cremation and funeral establishments, and provides that the  
19 board establish standards for these establishments.

20 Section 1 defines cremation and funeral establishments.  
21 Intern replaces the term apprentice throughout the chapter and  
22 is defined in this section.

23 Section 2 strikes unnecessary language and includes the  
24 Code section where the procedure for obtaining a burial  
25 transit permit is for those individuals who bury their own  
26 dead.

27 Section 3 adds the requirement of a bachelor of science  
28 degree to be eligible for a funeral director's license.

29 Sections 4 and 5 make necessary changes in terminology.  
30 The apprenticeship certificate is changed to require a one-  
31 year internship in mortuary science.

32 Section 6 expands the options the board has when taking  
33 action against a licensee, including probation. The section  
34 also clarifies the grounds on which the board can take action  
35 against a licensee.

1 Section 7 adds cremation to public health inspections and  
2 strikes the language providing for a trust fund to be set up  
3 by the treasurer of state.

4 Section 8 establishes licenses for funeral and cremation  
5 establishments. This includes qualifications for license,  
6 development of professional standards, and the ability to set  
7 fees.

8 Section 9 requires licensure and provides the board with  
9 the authority to impose fines not to exceed \$10,000,  
10 suspension, revocation, or other penalties against a licensed  
11 establishment.

12 BACKGROUND STATEMENT

13 SUBMITTED BY THE AGENCY

14 The board of mortuary sciences proposed legislation to  
15 establish greater oversight and accountability of the mortuary  
16 science industry in the state in order to safeguard consumer  
17 interests and protect the public health.

18 By placing the practice of cremation under the purview of  
19 the board, regulations will be established to ensure that  
20 professional standards are adhered to. Further, licensing of  
21 crematoriums and funeral establishments will guarantee that  
22 all services are provided under the supervision of a licensed  
23 funeral director.

24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SENATE FILE 259

AN ACT

RELATING TO THE PRACTICE OF MORTUARY SCIENCE, CREMATION, AND  
LICENSING OF FUNERAL ESTABLISHMENTS AND PROVIDING PENALTIES.

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

Section 1. Section 147.14, subsection 1, Code 1995, is amended to read as follows:

1. For podiatry, barbering, mortuary-science, and social work, 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. 2. Section 147.14, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 15. For mortuary science examiners, four members licensed to practice mortuary science, one member owning, operating, or employed by a crematory, and two members not licensed to practice mortuary science and not a crematory owner, operator, or employee who shall represent the general public. A majority of the members of the board constitutes a quorum.

Sec. 3. Section 156.1, Code 1995, is amended to read as follows:

156.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Board" ~~shall-mean~~ means the board of mortuary science examiners.

2. "Cremation" means the technical process, using heat and flame, that reduces human remains to bone fragments. The

reduction takes place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

3. "Cremation establishment" means a place of business as defined by the board which provides any aspect of cremation services.

2- 4. "Funeral director" ~~shall-mean~~ means a person licensed by the board to practice mortuary science.

5. "Funeral establishment" means a place of business as defined by the board devoted to providing any aspect of mortuary science.

6. "Intern" means a person registered by the board to practice mortuary science under the direct supervision of a funeral director.

3- 7. "Mortuary science" ~~shall-mean~~ means 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 except supervising cremations.

b. Furnishing Making funeral arrangements or furnishing any funeral services, or-embalming, in connection with the disposition of dead human bodies or sale of any casket, vault, urn, or other burial receptacle.

c. Using the words, "funeral director", "mortician" or any other title implying that the person 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, or cremation establishment by any person, heir,

fiduciary, firm, co-operative burial association, or corporation; ~~provided that.~~ However, each such person, firm, co-operative burial association, or corporation shall employ ensure that all mortuary science services are provided by a funeral director, and shall keep the Iowa department of public health advised of the name of the funeral director.

Sec. 4. Section 156.2, Code 1995, is amended to read as follows:

156.2 PERSONS EXCLUDED.

Section 156.1 shall not be construed to include the following classes of persons:

1. Manufacturers, wholesalers, and jobbers distributors, and retailers of caskets, vaults, urns, or other burial receptacles not engaged in the other functions of furnishing of funeral services or embalming as above defined.

~~2. Those who distribute or sell caskets, vaults, or any other burial receptacles and who do not furnish any funeral service or embalming, except a registered apprentice under the personal direction of a funeral director.~~

~~3. 2. Those who use bodies for scientific purposes as defined in sections 142.1, 142.2, and 142.5; or those who make scientific examinations of dead bodies; or perform autopsies.~~

~~4. 3. Physicians or institutions who preserve parts of human bodies either for scientific purposes or for use as evidence in prospective legal cases.~~

~~5. 4. Persons burying who, without compensation, bury their own dead under a burial permit from the registrar of vital statistics transit permit secured pursuant to section 144.32.~~

Sec. 5. Section 156.4, subsections 1 and 5, Code 1995, are amended to read as follows:

1. The practice of a funeral director must be conducted from a funeral establishment equipped for the care and preparation for burial or transportation of dead human bodies licensed by the board.

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 by the board as provided in section 147.34. The applicant may then receive ~~a class "A" certificate of apprenticeship~~ an internship certificate and shall then complete a minimum ~~of one additional year of apprenticeship one-year internship as determined by the board.~~ The apprentice shall assist in the direction of not less than twenty-five funerals under the direct supervision of a funeral director. The apprentice shall arterially embalm not less than twenty-five dead human bodies under the direct supervision of a funeral director. After completion of the internship, the applicant shall demonstrate proficiency as directed by the board of mortuary science examiners by practical examination.

Sec. 6. Section 156.8, Code 1995, is amended to read as follows:

156.8 APPRENTICESHIP INTERNSHIPS.

The board shall, by rule, provide for apprenticeships internships in funeral directing mortuary science, and shall regulate the registration, training, and fee for apprenticeships internships.

Sec. 7. Section 156.9, Code 1995, is amended to read as follows:

156.9 REVOCATION OF LICENSE.

1. Notwithstanding section 147.87 and in addition to the provisions of sections 147.58 through 147.71, the board may restrict, suspend, or revoke a license to practice mortuary science or place a licensee on probation. The board shall adopt rules of procedure pursuant to chapter 17A by which to restrict, suspend, or revoke a license. The board may also adopt rules pursuant to chapter 17A relating to conditions of license reinstatement.



2. ~~The~~ In addition to the grounds stated in sections 147.55 and 272C.10, the board may revoke or suspend the license of a funeral director for any one of the following acts:

~~1-~~ a. Knowingly misrepresenting any material matter to a prospective purchaser of funeral merchandise, furnishings, or services.

~~2-~~ b. Executing a death certificate or shipping-paper burial transit permit for use of by anyone except a funeral director or a registered-apprentice certified intern who is working under the immediate-personal direct supervision of a funeral director unless otherwise allowed under section 144.32.

~~3-~~ c. Any-of-the-applicable-grounds-for-revocation-or suspension-of-a-license-provided-in-chapters-147-and-272C. Knowingly aiding, assisting, procuring, advising, or allowing a person to unlawfully practice mortuary science.

d. Willful or repeated violations of this chapter, or the rules adopted pursuant to this chapter.

Sec. 8. Section 156.10, Code 1995, is amended to read as follows:

156.10 INSPECTION.

The director of public health shall inspect all places where dead human bodies are prepared or held for burial, or entombment, or cremation, and ~~to prescribe shall adopt~~ and enforce such rules and regulations in connection therewith with the inspection as shall be necessary for the preservation of the public health.

An inspection fee for each place where dead human bodies are prepared for burial or cremation shall be fifteen dollars per year, which shall be collected by the director of public health. ~~The inspection fees collected under this section shall be paid to the treasurer of state who shall maintain a trust fund to be used only for paying the cost of inspection of such places.~~

Sec. 9. NEW SECTION. 156.14 FUNERAL ESTABLISHMENT AND CREMATION ESTABLISHMENT LICENSE.

1. A person shall not establish, conduct, or maintain a funeral establishment or a cremation establishment in this state without a license. The license shall be identified as an establishment license.

a. An establishment license issued by the board under this chapter shall be issued for a site and in the name of the individual in charge and is not transferable or assignable.

b. A license is required for each place of practice.

c. The license of the establishment shall be displayed.

2. The board shall specify by rule the licensing procedures to be followed, including specifications of forms for use in applying for an establishment license and fees for filing an application. The board shall specify by rule minimum standards for professional responsibility in the conduct of a funeral establishment or a cremation establishment.

3. To qualify for a funeral establishment or a cremation establishment license, the applicant shall submit to the board a license fee as determined by the board and a completed application on a form prescribed by the board that shall include the following information and be given under oath:

a. Ownership of the establishment.

b. Location of the establishment.

c. The license number of each funeral director employed by the establishment at the time of the application.

d. The trade or corporate name of the establishment.

e. The name of the individual in charge, who has the authority and responsibility for the establishment's compliance with laws and rules pertaining to the operation of the establishment.

4. A person who falsely makes the affidavit prescribed in subsection 3 is subject to all penalties prescribed for making a false affidavit.

Sec. 10. NEW SECTION. 156.15 FUNERAL ESTABLISHMENTS AND CREMATION ESTABLISHMENTS -- LICENSE REQUIRED -- DISCIPLINE, VIOLATIONS, AND PENALTIES.

1. A funeral establishment or cremation establishment shall not be operated until a license or renewal certificate has been issued to the establishment by the board.
2. The board shall refuse to issue an establishment license when an applicant fails to meet the requirements of section 156.14. The board may refuse to issue or renew a license or may impose a penalty, not to exceed ten thousand dollars, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

- a. Been convicted of a felony or a misdemeanor involving moral turpitude, or if the applicant is an association, joint stock company, partnership, or corporation, that a managing officer has been convicted of a felony or a misdemeanor involving moral turpitude, under the laws of this state, another state, or the United States.
- b. Violated this chapter or any rule adopted under this chapter or that any owner or employee of the establishment has violated this chapter or any rule adopted under this chapter.
- c. Knowingly aided, assisted, procured, advised, or allowed a person to unlawfully practice mortuary science.
- d. Failed to engage in or ceased to engage in the business described in the application for a license.

3. Failed to keep and maintain records as required by this chapter or rules adopted under this chapter.

Sec. 11. Section 331.805, subsection 3, paragraph b, Code 1995, is amended to read as follows:

- b. If the next of kin, guardian, or other person authorized to act on behalf of a deceased person has requested that the body of the deceased person be cremated, a permit for cremation must be obtained from a medical examiner. However,

a permit is not required if the deceased person was a member of an established religion whose tenets are opposed to the inspection or examination of the body of a deceased person. Cremation permits by the medical examiner must be made on the most current forms prepared at the direction of and approved by the state medical examiner, with copies forwarded to the state medical examiner's office. Costs for the cremation permit issued by a medical examiner shall not exceed twenty-five thirty-five dollars. The costs shall be borne by the family, next of kin, guardian of the decedent, or other person.

---

LEONARD L. BOSWELL  
President of the Senate

---

RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 259, Seventy-sixth General Assembly.

---

JOHN F. DWYER  
Secretary of the Senate

Approved 4/23, 1996

---

TERRY E. BRANSTAD  
Governor