

CHAPTER 140.

THE PRACTICE OF EMBALMING.

H. F. 7.

AN ACT to regulate the transportation of dead bodies, and the practice of embalming, and to provide for examination and license of embalmers, and to provide penalties for violation. [Additional to chapter sixteen (16) of title twelve (XII) of the code, relating to the state board of health.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Unlawful practice. It shall be unlawful for any person to embalm or otherwise prepare for transportation by railway or other public conveyance except as hereinafter provided, the dead body of any human being, or to embalm or otherwise prepare any such body, or to practice, or publicly profess to practice the art of embalming without first obtaining, from the state board of health, a license authorizing him to practice embalming in this state.

SEC. 2. Examining committee—applicants—qualifications. At the annual meeting of the state board of health, it shall select two physicians from among its own membership, and two licensed embalmers, residents of this state, who, together with the secretary of the state board of health, shall constitute the examining committee for the year. The examinations provided for in his act, shall be held in the city of Des Moines, in July and January of each year and at such other times as the board of health may direct. All applicants for license to practice embalming, shall have attained the age of twenty-one years, and shall have had not less than two years practical experience under a licensed embalmer in this state, or in lieu thereof, shall have had a practical experience of not less than one year under a licensed embalmer, and have completed the regular course of instruction in a school of embalming recognized as being in good standing by the state board of health of Iowa; in addition to all of said requirements, each applicant for an embalmer's license shall have actually embalmed not less than ten bodies, under the supervision of a licensed embalmer, prior to the date of examination. Each applicant for examination shall file with the secretary of the state board of health not later than ten days prior to the date of the next examination, a sworn statement of his age and other qualifications as required by this act, and a certificate of good moral character signed by three responsible citizens, one of whom must be a licensed embalmer personally acquainted with the applicant for at least one year. All applications under this act shall be upon blanks furnished by the state board of health.

SEC. 3. Examination—license—fee. After the passage of this act, each applicant for license to practice embalming, shall be examined in the following subjects: anatomy, sanitary science, the care, disinfection, preservation, transportation of and burial, or other final disposition of dead bodies, and the rules and regulations of the state board of health relating to infectious diseases and quarantine; he may also be required to demonstrate his proficiency as an embalmer by operations on a cadaver. The examination papers and oral answers shall, when concluded, be graded upon the scale of one hundred, each applicant first to pay, to the secretary of the state board of health, a fee of five dollars therefor. The average rating required to pass shall be fixed by the board of health prior to the examination. If the examination be satisfactory to three members of the examining committee, it shall so report to the state board of health; if the board find the report and ratings correct, it shall authorize its president and secretary to issue a license to the

successful candidates, for which such candidates shall each pay an additional fee of one dollar. The license, while in force, shall confer upon the holder the right to practice embalming, or to otherwise prepare dead bodies for transportation, burial, or other authorized mode of final disposition, and be conclusive evidence thereof.

SEC. 4. Licenses renewed annually—licentiates of other states—fees—licenses registered. Any person now holding an unexpired license from the state board of health as an embalmer, shall be held to be licensed as an embalmer under the terms of this act, but all licenses now in force, or hereafter issued, shall expire on the thirtieth (30th) day of June following the date of issuance of said license. Licenses shall be renewed without examination annually by the state board of health within thirty (30) days after expiration, provided the holder of said license shall make written application to said board, and pay to the secretary thereof the sum of one dollar renewal fee. The state board of health is empowered to recognize licenses issued to embalmers by authorities under the laws of other states having substantially similar requirements to those existing in this state, provided, that such states recognize licenses issued by the Iowa state board of health, then licenses issued by authority of such other states may be deemed sufficient evidence of qualifications of the licentiate without further examination for license in this state; the fee for such license shall be ten dollars. The owner of any license, or renewal, provided for in this act shall cause the same to be registered in the office of the local board of health of each city or town wherein he intends to practice the art of embalming, and no transportation permit shall be issued by the local board to any person not so recorded.

SEC. 5. Secretary of state board of health to keep record. The secretary of the state board of health shall keep a record of the names and residence of all persons to whom licenses have been issued, with the official number and date of issuance; a copy of this record, together with such other information as may tend to improve the public service shall be published annually.

SEC. 6. Refusal to grant licenses—revocation. The state board of health may refuse to grant, or renew, any license provided for in this act, to a person otherwise qualified, who obtained said license by false or fraudulent representation, or for habitual intoxication, or for immoral or unprofessional or dishonorable conduct, or for wilful or repeated violation of the rules or regulations of the state board of health; and the board may revoke any license, issued by it, for any such or similar cause; provided, that before the revocation of any license issued under the provisions of this act, the licentiate shall have been afforded an opportunity for a hearing before the board. At least ten (10) days prior to the date set for said hearing, the secretary of the state board of health shall cause written notice, under registered mail, to be sent to the licentiate at his last known place of residence; said notice shall contain a statement of the charges, and the date and place set for the hearing before the board. If the party thus notified fails to appear, either in person or by counsel, at the time and place designated in said notice, the board may, after receiving satisfactory evidence of the truth of the charges and the proper issuance of the notice, revoke said license. If the licentiate appear, either in person or by counsel, the board shall proceed with the hearing as herein provided. The board may receive and consider affidavits and oral statements, and shall cause a stenographic report of the oral testimony to be taken, which together with all other papers pertaining thereto shall be preserved for one year. If five (5) members of the board, present at the hearing, are satisfied that the licentiate is guilty of any of the offenses named in this section, the license shall be revoked. After the revocation of a license the licentiate, or holder thereof, shall not practice embalming or any of its branches in this state.

SEC. 7. Jurisdiction over transportation of dead bodies—rules and regulations. The state board of health shall have sole jurisdiction over the transportation of all dead bodies and of all methods preparatory thereto, and the said board is hereby authorized to make such rules and regulations, relating thereto, as in its opinion are necessary to subserve and protect the public health; said rules and regulations when made shall be enforced by the secretary of the state board of health.

SEC. 8. Removal or shipping permit. It shall be unlawful for any railway agent, express agent, baggage master, conductor, or other person acting as such, to receive the dead body of any person for shipment, or transportation by railway or other public conveyance, to or from any point in this state or to a point outside of this state, unless said body be accompanied by a removal, or shipping permit signed by the health officer of the local board of health, and a certificate, attached to the outside box containing such body, showing the name and official number of the embalmer by whom it was prepared, and the method of preparation employed; provided, that nothing in this act shall be so construed as to prevent the shipment of dead bodies intended for use for anatomical purposes within this state when the same are so designated by the shipper.

SEC. 9. Compensation of examining committee—expenses. Each member of the examining committee except the secretary, shall receive for his services, out of the funds created by the payment of fees by applicants for examination or license, and renewals such compensation as is allowed the members of the state board of medical examiners for like services, and the secretary shall receive the sum of twenty-five dollars per month, and his necessary expenses incurred for services which cannot be performed at the capital. All printing, postage, and other contingent office expenses necessarily incurred under the provisions of this act, shall be paid from said fund. Any balance of said funds remaining shall be turned over to the state treasurer for the use of the state. All expenses incurred under the provisions of this act shall be itemized, verified, and audited, and a warrant drawn therefor on the embalmers' fund in the same manner as other expenses of the state board of health.

SEC. 10. Penalty—enforcement. Any person who shall knowingly violate any of the provisions of this act, or who shall offer a forged removal, shipping or transportation certificate, or who shall certify falsely as to the preparation of a dead body, or who shall represent himself to be the bona fide owner of a license or renewal when such license or renewal was not regularly issued to him by the state board of health, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding one hundred dollars, or be imprisoned in the county jail for a period not exceeding thirty days, or both at the discretion of the court. It shall be the duty of the secretary of the state board of health, to see that the provisions of this act are properly administered and enforced throughout the state, and all peace officers and county attorneys shall aid him in their several capacities in the discharge of these duties.

SEC. 11. Acts in conflict repealed. All acts or parts of acts in conflict with this act are hereby repealed.

Approved February 23, A. D. 1907.