

CHAPTER 83

DISPOSAL OF DEAD BODIES

S. F. 235

AN ACT to amend chapter one hundred forty-one (141), Code 1950, relating to disposal of dead bodies and to make specific provisions for the consent required for autopsies.

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

1 SECTION 1. Chapter one hundred forty-one (141), Code 1950, is
2 hereby amended by adding thereto the following: "Post Mortem Ex-
3 aminations. An autopsy or post mortem examination may be per-
4 formed upon the body of a deceased person by a physician or surgeon
5 whenever the written consent thereto has been obtained in any of
6 the following manners:

7 A. By written authorization signed by the deceased during the
8 lifetime.

9 B. By written consent of any party whom the deceased during his
10 lifetime designated by written instrument to take charge of his body
11 for burial.

12 C. By consent of decedent's surviving spouse.

13 D. If the surviving spouse is incompetent, unavailable, or does not
14 claim the body for burial, or if there be no surviving spouse, by con-
15 sent of an adult child, parent, brother or sister of the decedent. The
16 consent of any one of such persons shall be sufficient provided that
17 such autopsy shall not be performed under a consent given by one of
18 such persons if, before such autopsy is performed, any of said others
19 shall object in writing to the physician or surgeon by whom the
20 autopsy is to be performed.

21 E. If none of the above persons is available to claim the body, then
22 by consent of any other relative or friend who assumes custody of the
23 body for burial.

24 The provisions of this Act shall not be applicable to any post mortem
25 or scientific examination performed under authority of section three
26 hundred thirty-nine point twenty-two (339.22), Code 1950, whether
27 made under a summon by a coroner or by the coroner himself if he
28 be a physician."

Approved May 22, 1953.

CHAPTER 84

CEMETERIES

S. F. 71

AN ACT relating to the operation of cemeteries in the state of Iowa, and funds for the perpetual care and maintenance thereof, and the sale of burial space therein, and providing penalties for the violation thereof.

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

1 SECTION 1. Any corporation or other form of organization organ-
2 ized or engaging in the business under the laws of the state of Iowa,
3 or wheresoever organized and engaging in the business in the state

4 of Iowa, of the ownership, maintenance or operation of a cemetery,
5 providing lots or other interment space therein for the remains of
6 human bodies, except such organizations which are churches or reli-
7 gious or established fraternal societies, or incorporated cities or towns
8 or other political subdivisions of the state of Iowa owning, maintain-
9 ing or operating cemeteries, shall be subject to the provisions of this
10 chapter.

1 SEC. 2. All such organizations subject to the provisions of this
2 chapter shall be, for the purposes hereof, designated either as "per-
3 petual care cemeteries" or "nonperpetual care cemeteries".

1 SEC. 3. Any such organization subject to the provisions of this
2 chapter which is organized or commences business in the state of Iowa
3 after the effective date of this chapter and desires to operate as a per-
4 petual care cemetery shall, before selling or disposing of any inter-
5 ment space or lots, establish a minimum perpetual care and mainte-
6 nance guarantee fund of twenty-five thousand dollars (\$25,000.00) in
7 cash. The perpetual care and maintenance guarantee fund shall be
8 permanently set aside in trust to be administered under the jurisdic-
9 tion of the district court of the county wherein the cemetery is located.
10 The district court so having jurisdiction shall have full jurisdiction
11 over the approval of trustees, reports and accounting of trustees,
12 amount of surety bond required, and investment of funds. Only the
13 income from such fund shall be used for the care and maintenance of
14 the cemetery for which it was established.

15 To continue to operate as a perpetual care cemetery, any such or-
16 ganization shall set aside and deposit in the perpetual care fund not
17 less than the following amounts for lots of interment space thereafter
18 sold or disposed of:

19 (a) A minimum of twenty percent (20%) of the gross selling price
20 with a minimum of twenty dollars (\$20.00) for each adult burial
21 space, whichever is the greater.

22 (b) A minimum of twenty percent (20%) of the gross selling price
23 for each child's space with a minimum of five dollars (\$5.00) for each
24 space up to forty-two (42) inches in length or ten dollars (\$10.00)
25 for each space up to sixty (60) inches in length, whichever is the
26 greater.

27 (c) A minimum of twenty percent (20%) of the gross selling price
28 with a minimum of one hundred dollars (\$100.00) for each crypt in
29 a public mausoleum, whichever is the greater.

30 (d) A minimum of twenty percent (20%) of the gross selling price
31 with a minimum of ten dollars (\$10.00) for each inurnment niche in
32 a public columbarium.

33 The initial perpetual care fund established for any cemetery shall
34 remain in an irrevocable trust fund until such time as this fund has
35 reached fifty thousand dollars (\$50,000.00), when it may be with-
36 drawn at the rate of one thousand dollars (\$1,000.00) from the origi-
37 nal twenty-five thousand dollars (\$25,000.00) for each additional three
38 thousand dollars (\$3,000.00) added to the fund, until all of the twenty-
39 five thousand dollars (\$25,000.00) has been withdrawn.

1 SEC. 4. Any such organization subject to the provisions of this
2 chapter which was organized and engaged in business prior to the
3 effective date of this chapter shall be a perpetual care cemetery if it

4 shall at all times subsequent to the effective date of this chapter com-
5 ply with the requirements of a perpetual care cemetery as set forth
6 in section three (3), subsections (a), (b), (c) and (d) hereof.

1 SEC. 5. All other organizations subject to the provisions of this
2 chapter shall be nonperpetual care cemeteries.

3 Each nonperpetual care cemetery shall post in a conspicuous place
4 in the office or offices where sales are conducted a legible sign stating:
5 "This is a nonperpetual care cemetery". The lettering of this sign
6 shall be of suitable size so it is easily read at a distance of fifty feet.

7 Each nonperpetual care cemetery shall also have printed or stamped
8 at the head of all its contracts, deeds, statements, letterheads and ad-
9 vertising material, the legend: "This is a nonperpetual care ceme-
10 tery", and shall not sell any lot or interment space therein unless the
11 purchaser thereof is informed that the cemetery is a nonperpetual care
12 cemetery.

1 SEC. 6. Any nonperpetual care cemetery after the effective date of
2 this chapter may become a perpetual care cemetery by placing in the
3 perpetual care trust fund twenty-five thousand dollars (\$25,000.00)
4 or five thousand dollars (\$5,000.00) per acre of all property sold,
5 whichever is the greater, and shall comply with the requirement for
6 a perpetual care cemetery as provided in section three (3), subsec-
7 tions (a), (b), (c) and (d).

1 SEC. 7. It shall be unlawful for any organization subject to the
2 provisions of this chapter to pay or offer to pay to, or for any person,
3 firm or corporation to receive directly or indirectly a commission or
4 bonus or rebate or other thing of value, for or in connection with the
5 sale of any interment space, lot or part thereof, in any cemetery de-
6 scribed in section one (1) of this chapter. The provisions of this sec-
7 tion shall not apply to a person regularly employed and supervised by
8 such organization.

1 SEC. 8. It shall be unlawful for any organization subject to the
2 provisions of this chapter to deny the privilege of interment of the
3 remains of any deceased person in any cemetery described in section
4 one (1) of this chapter solely because of the race or color of such
5 deceased person. Any contract, agreement, deed, covenant, restriction
6 or charter provision at any time entered into, or by-law, rule or regu-
7 lation adopted or put in force, either subsequent or prior to the effec-
8 tive date of this chapter, authorizing, permitting or requiring any
9 organization subject to the provisions of this chapter to deny such
10 privilege of interment because of race or color of such deceased per-
11 son is hereby declared to be null and void and in conflict with the public
12 policy of this state. No organization subject to the provisions of this
13 chapter or any director, officer, agent, employee or trustee thereof or
14 therefor, shall be liable for damages or other relief, or be subjected to
15 any action in any court otherwise having jurisdiction in the premises
16 by reason of refusing to commit any act declared unlawful herein.

1 SEC. 9. Any person, firm or corporation violating any of the pro-
2 visions of this chapter, shall, upon conviction, be punishable by a fine
3 of not less than twenty-five dollars (\$25.00) nor more than one hun-
4 dred dollars (\$100.00).

1 SEC. 10. Each day any person, firm or corporation violates any
2 provision of this chapter, except the commission of any act declared
3 unlawful in section seven (7) or section eight (8) of this chapter,
4 shall be deemed to be a separate and distinct offense.

1 SEC. 11. If any clause, sentence, paragraph, section or part of this
2 Act shall for any reason be adjudged by any court of competent juris-
3 diction to be invalid, such judgment shall not affect, impair or invali-
4 date the remainder of the Act, but shall be confined in its operation
5 to the clause, sentence, paragraph, section or part thereof directly in-
6 volved in the controversy in which said judgment has been rendered.

1 SEC. 12. Nothing in this Act contained shall affect the rights of
2 any parties to any pending litigation.

1 SEC. 13. No organization subject to the provisions of this chapter
2 nor any person representing it, in a sales capacity shall advertise or
3 represent, in connection with the sale or attempted sale of any inter-
4 mediate space, that the same is or will be a desirable speculative invest-
5 ment for resale purposes.

Approved April 21, 1953.

CHAPTER 85

FUNERAL DIRECTORS AND EMBALMERS

S. F. 55

AN ACT to amend sections one hundred forty-seven point one (147.1), one hundred
forty-seven point two (147.2), one hundred forty-seven point thirteen (147.13), one
hundred forty-seven point fifteen (147.15), one hundred forty-seven point eighteen
(147.18), one hundred forty-seven point eighty (147.80), and one hundred forty-
seven point one hundred one (147.101), Code 1950, relating to the practice of funeral
directing and embalming and the license fees thereof.

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

1 SECTION 1. Section one hundred forty-seven point one (147.1),
2 Code 1950, is hereby amended as follows:

3 1. Add to subsection two (2), line six (6), after the comma, the
4 words "funeral director".

5 2. Add to subsection three (3), line five (5), after the comma, the
6 words "funeral directing".

1 SEC. 2. Section one hundred forty-seven point two (147.2), Code
2 1950, is amended by adding to line six (6) thereof after the comma, the
3 words "funeral directing".

1 SEC. 3. Section one hundred forty-seven point thirteen (147.13),
2 Code 1950, is amended by striking from lines thirteen (13) and four-
3 teen (14) the words "embalming, embalmer examiners" and inserting
4 in lieu thereof the words "funeral directing and embalming, funeral
5 director and embalmer examiners".

1 SEC. 4. Section one hundred forty-seven point fifteen (147.15),
2 Code 1950, is hereby amended by adding to line four (4) thereof after
3 the word "and" the words "funeral director and".