

10 or special license shall be limited to one year and may be renewed from  
 11 year to year, but not to exceed an additional three years of hospital  
 12 service as a resident physician. The provisions of section one hun-  
 13 dred forty-eight point three (148.3), Code 1950, shall be applicable to  
 14 a temporary or special license, except, the board of medical examin-  
 15 ers may waive the requirements of citizenship or declaration of citi-  
 16 zenship of foreign students here for training and study only, who are  
 17 properly admitted under visas of the State Department of the United  
 18 States as students. The fee for this license shall be ten dollars and if  
 19 extended beyond one year an annual renewal fee of one dollar per  
 20 year shall be required."

1 SEC. 9. This Act being deemed of immediate importance shall be  
 2 in full force and effect from and after its publication in the Storm  
 3 Lake Pilot-Tribune, a newspaper published at Storm Lake, Iowa, and  
 4 in the Daily Record, a newspaper published at Cedar Falls, Iowa.

Approved April 21, 1953.

I hereby certify that the foregoing Act, Senate File 47, was published in the Storm Lake Pilot-Tribune, Storm Lake, Iowa, April 30, 1953, and in the Daily Record, Cedar Falls, Iowa, April 22, 1953.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 87

### FUNERAL DIRECTORS AND EMBALMERS

S. F. 54

AN ACT relating to the practice of funeral directing and embalming and to repeal chapter one hundred fifty-six (156), Code 1950, relating thereto, and to enact a substitute therefor.

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

That chapter one hundred fifty-six (156), Code 1950, is hereby repealed and the following enacted in lieu thereof:

#### PRACTICE OF FUNERAL DIRECTING AND EMBALMING

##### 1 SECTION 1. Definitions.

2 1. "Board" shall mean Board of Funeral Directors and Embalmer  
 3 Examiners.

4 2. A "Funeral Director" is a person engaged in or conducting, or  
 5 holding himself out, in whole or in part, as being engaged in:

6 (a) Preparing, other than embalming, for the burial or disposal,  
 7 or directing and supervising the burial or disposal of dead human  
 8 bodies.

9 (b) Furnishing, in connection with the disposition or sale of any  
 10 casket, vault or other burial receptacle, any funeral services, or em-  
 11 balming, directly or indirectly, by himself, or in conjunction with an-  
 12 other.

13 (c) Who shall, in connection with his name or funeral establishment,  
 14 use the words, "funeral director", "mortician" or any other title im-  
 15 plying that he is engaged as a funeral director as defined in this sub-  
 16 section.

17 3. An "Embalmer" is a person engaged in, or holding himself out  
18 as engaged in, the practice of disinfecting or preserving dead human  
19 bodies, entire or in part, by the use of chemical substances, fluids or  
20 gases in the body, or by the introduction of same into the body by vas-  
21 cular or hypodermic injections, or by direct application into the organs  
22 or cavities for the purpose of preservation or disinfection.

23 Nothing contained in this Act shall be construed as prohibiting the  
24 operation of any funeral home or funeral establishment by any person,  
25 fiduciary, firm, cooperative burial association or corporation; provided  
26 that each such person, firm, cooperative burial association or corpora-  
27 tion shall at all times employ an embalmer and funeral director licensed  
28 under the provisions of this Act, and shall keep the State Department  
29 of Health advised of the name of the licensee or licensees so employed.

1 SEC. 2. Section one (1) shall not be construed to include the follow-  
2 ing classes of persons:

3 1. Manufacturers, wholesalers, and jobbers of caskets, vaults, or  
4 other burial receptacles not engaged in the other functions of fur-  
5 nishing of funeral services or embalming as above defined.

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

11 3. Those who use bodies for scientific purposes as defined in sections  
12 one hundred forty-two point one (142.1), one hundred forty-two point  
13 two (142.2), and one hundred forty-two point five (142.5); or those  
14 who make scientific examinations of dead bodies, or perform autopsies.

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

18 5. Persons burying their own dead under burial permit from the  
19 registrar of vital statistics.

1 SEC. 3. Eligibility requirements.

2 1. To be eligible to take the examination for funeral director's or  
3 embalmer's license, a person must:

4 (a) After the effective date of this section have completed one (1)  
5 academic year of instruction in a recognized college, junior college, or  
6 university in a course of study approved by the board or have equiva-  
7 lent education as defined by the board and have satisfactorily com-  
8 pleted a course of instruction in mortuary science in an accredited  
9 school approved by the board.

10 (b) After September 1, 1955, have completed two (2) academic  
11 years of instruction in a recognized college, junior college or univer-  
12 sity in a course of study approved by the board or have equivalent  
13 education as defined by the board and have satisfactorily completed a  
14 course of instruction in mortuary science in an accredited school ap-  
15 proved by the board.

16 2. The eligibility requirements set forth in subsection one (1) shall  
17 not apply to any student to whom a certificate of studentship was issued  
18 before the effective date of this section and who satisfies the legal  
19 requirements in effect at the time of his legal registration.

**1 SEC. 4. Funeral directors.**

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

5 2. No person shall engage in, or hold himself out as engaged in,  
6 the practice of a funeral director unless licensed.

7 3. Applications for the examination for a funeral director's license  
8 shall be in writing and verified on a blank to be prescribed and fur-  
9 nished by the board.

10 Accompanying the application shall be affidavits from at least two  
11 reputable freeholders of the county in which the applicant resides or  
12 proposes to conduct the practice of a funeral director to the effect that  
13 the applicant is of good moral character, of temperate habits, and a  
14 citizen of the United States.

15 4. Written and oral examinations for funeral director's license shall  
16 be held at least once a year at a time and place to be designated by  
17 the board. The examination shall include the subjects of funeral  
18 directing, burial or other disposition of dead human bodies, sanitary  
19 science, public health, transportation, business ethics, and such other  
20 subjects as the board may designate and the laws of the state of Iowa  
21 and rules and regulations relating to communicable diseases, quar-  
22 antine and causes of death.

23 5. After the applicant shall have completed satisfactorily the course  
24 of instruction in mortuary science in an accredited school approved  
25 by the board, the applicant must pass the examination prescribed at  
26 one of the regular examinations held by the board during the first year  
27 after his graduation. The applicant may then receive a class "A"  
28 certificate of studentship and shall then complete a minimum of one  
29 additional year of studentship. The applicant shall during this student-  
30 ship direct or assist in the direction of not less than twenty-five funerals  
31 under the direct supervision of a licensed funeral director in good  
32 standing in this state.

**1 SEC. 5. Embalmers.**

2 1. No person shall engage in, or hold himself out as engaged in,  
3 the practice of an embalmer unless licensed.

4 2. Applications for the examination for an embalmer's license shall  
5 be in writing and verified on a blank to be prescribed and furnished  
6 by the board. Accompanying the application shall be affidavits from  
7 at least two reputable freeholders of the county in which the applicant  
8 resides or proposes to conduct the practice of an embalmer to the effect  
9 that the applicant is of good moral character, of temperate habits, and  
10 a citizen of the United States.

11 3. Written and oral examinations for an embalmer's license shall  
12 be held at least once a year at a time and place to be designated by  
13 the board. The examination shall include the subjects of anatomy,  
14 practical embalming, restorative art, sanitation, public health, busi-  
15 ness ethics, and such other subjects as the board may designate and the  
16 laws of the state of Iowa and rules and regulations relating to com-  
17 municable diseases, quarantine and causes of death.

18 4. After the applicant shall have completed satisfactorily the course  
19 of instruction in mortuary science in an accredited school approved by  
20 the board, the applicant must pass the examination prescribed at one

21 of the regular examinations held by the board during the first year  
22 after his graduation. The applicant may then receive a class "A"  
23 certificate of studentship and shall then complete a minimum of one  
24 additional year of studentship. The applicant shall during this stu-  
25 dentship arterially embalm not less than twenty-five human bodies  
26 under the direct supervision of a licensed embalmer in good standing  
27 in this state. The applicant shall demonstrate his proficiency as an  
28 embalmer, as directed by the board of funeral director and embalmer  
29 examiners by operation on a dead human body, which body shall be  
30 furnished by the state department of health, under the provisions of  
31 section one hundred forty-two point two (142.2). This particular  
32 requirement shall apply to all applicants for a license as an embalmer  
33 by reciprocity, as well as by examination.

1 **SEC. 6. Concurrent study and studentship.** The course of instruc-  
2 tion and studentships required under the provisions of section four  
3 (4) for funeral directors and under section five (5) for embalmers  
4 may be taken concurrently.

1 **SEC. 7. Renewal of licenses.**  
2 1. The department of health shall issue separate renewal licenses  
3 to funeral directors and to embalmers.  
4 2. Any embalmer who is licensed under the provisions of chapter  
5 one hundred fifty-six (156), Code of Iowa 1950, and who has a license  
6 expiring June 30, 1953, shall be eligible to a renewal license as an  
7 embalmer and a renewal license as a funeral director by complying  
8 with the provisions of sections one hundred forty-seven point eighty  
9 (147.80) and one hundred forty-seven point one hundred one (147.101)  
10 as amended.

1 **SEC. 8. Studentship.** The board of funeral director and embalmer  
2 examiners shall, by rule approved by the state department of health,  
3 provide for studentships in funeral directing and embalming, and shall  
4 regulate the registration and training thereof; and no applicant shall  
5 be eligible to take the funeral directors' or embalmers' examinations  
6 who has not first been legally registered as a student. For such regis-  
7 tration a fee of five dollars shall be collected from the applicant for  
8 each license.

1 **SEC. 9. Revocation of license.** For the purpose of revoking a license  
2 under the provisions of section one hundred forty-seven point fifty-five  
3 (147.55), "unprofessional conduct" on the part of a funeral director  
4 or embalmer shall in addition to the provisions of said section consist  
5 of any one of the following acts:  
6 1. Knowingly misrepresenting any material matter to a prospective  
7 purchaser of funeral merchandise, furnishings, or services.  
8 2. Executing a death certificate or shipping paper for use of anyone  
9 except a licensed funeral director or licensed embalmer or a regis-  
10 tered student who is working under the immediate personal supervi-  
11 sion of a licensed funeral director or licensed embalmer.  
12 3. Recommending to the board of funeral director and embalmer  
13 examiners an applicant for a license who has not, to his personal  
14 knowledge, complied with the requirements of the law and the rules  
15 of the board of funeral director and embalmer examiners.

16 4. If the licensee shall engage generally in the business of selling  
17 or issuing burial contracts or burial certificates in anticipation of the  
18 death of a person, or if he shall enter into any contract with another  
19 whereby he agrees or undertakes to furnish funeral supplies or funeral  
20 service to persons who have been solicited by such other or who have  
21 agreed with such other to purchase the same; provided, this subsection  
22 shall not apply to contracts with the United States or any department  
23 of the federal government, including army and veterans' hospitals,  
24 or to any contract made in conjunction with the sale of any life  
25 insurance policy issued by a life insurance company licensed to trans-  
26 act business in Iowa.

1 **SEC. 10. Inspection.** The commissioner of public health shall have  
2 power to inspect all places where dead human bodies are prepared or  
3 held for burial, or entombment; and to prescribe and enforce such rules  
4 and regulations in connection therewith as may be necessary for the  
5 preservation of the public health.

1 **SEC. 11. After death of licensee.** Any heir or legal representative  
2 of a licensed funeral director or licensed embalmer may maintain a  
3 funeral home after the death of such licensed funeral director or  
4 licensed embalmer, provided that a licensed funeral director and  
5 licensed embalmer shall be employed to operate such funeral home and  
6 the state department of health shall be notified of such employment by  
7 the licensee or licensees.

1 **SEC. 12. Funeral directors and embalmers; solicitation of business,**  
2 **penalty.** Every funeral director or embalmer, or any person acting  
3 for him, who pays or causes to be paid, directly or indirectly, any  
4 money or other thing of value as a commission or gratuity for the  
5 securing of business for such funeral director or embalmer, and every  
6 person who accepts or offers to accept any money or other thing of  
7 value as a commission or gratuity from a funeral director or em-  
8 balmer in order to secure business for him shall be deemed guilty of  
9 a misdemeanor, and upon conviction thereof shall be fined not more  
10 than five hundred dollars or shall be imprisoned in the county jail for  
11 not less than thirty days, or both; provided that nothing herein con-  
12 tained shall be construed as prohibiting any person, firm, cooperative  
13 burial association or corporation, subject to the provisions of this Act,  
14 from using legitimate and honest advertising.

1 **SEC. 13.** This Act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication with-  
3 out expense to the state in the Cherokee Daily Times, a newspaper  
4 published at Cherokee, Iowa and in The Aurelia Sentinel, a newspaper  
5 published at Aurelia, Iowa.

Approved March 19, 1953.

I hereby certify that the foregoing Act, Senate File 54, was published in the Cherokee Daily Times, Cherokee, Iowa, March 30, 1953, and in The Aurelia Sentinel, Aurelia, Iowa, April 2, 1953.

MELVIN D. SYNHORST, *Secretary of State.*