

CHAPTER 1075
MORTUARY SCIENCE

S. F. 2131

AN ACT to consolidate the licensing of funeral directors and embalmers.

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

Section 1. Section one hundred fifty-six point one (156.1), Code 1977, is amended by striking the section and inserting in lieu thereof the following new section:

NEW SECTION. As used in this chapter unless the context otherwise requires:

1. "Board" shall mean the board of mortuary science examiners.
2. "Funeral director" shall mean a person licensed by the board to practice mortuary science.
3. "Mortuary science" shall mean 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.
 - b. Furnishing any funeral services, or embalming, in connection with the disposition or sale of any casket, vault or other burial receptacle.
 - c. Using the words, "funeral director", "mortician" or any other title implying that he or she 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 by any person, heir, fiduciary, firm, co-operative burial association or corporation; provided that each such person, firm, co-operative burial association or corporation shall employ a funeral director, and shall keep the state department of health advised of the name of the funeral director.

Sec. 2. Section one hundred fifty-six point two (156.2), subsection two (2), Code 1977, is amended to read as follows:

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

Sec. 3. Section one hundred fifty-six point three (156.3), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

156.3 ELIGIBILITY REQUIREMENTS. To be eligible to take the examination for a funeral director's license, a person must have completed two academic years of instruction in a recognized college, junior college or university in a course of study approved by the board or have equivalent education as defined by the board and have satisfactorily completed a course of instruction in mortuary science in an accredited school approved by the board.

Sec. 4. Section one hundred fifty-six point four (156.4), subsections two (2), three (3), four (4) and five (5), Code 1977, are amended to read as follows:

2. ~~No~~ A person shall not engage in ~~or-held-himself-out as-engaged-in,~~ the practice of ~~a-funeral-director~~ mortuary science unless licensed.

3. Applications for the examination for a funeral director's license shall be in writing and verified on a ~~blank to-be-prescribed-and~~ form furnished by the board.

4. Written and oral examinations for a funeral director's license shall be held at least once a year at a time and place to be designated by the board. The examination shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, embalming, restorative art, anatomy, public health, transportation, business ethics, and such other subjects as the board may designate ~~and-the laws-of-the-state-of-Iowa-and-rules-relating-to-communicable diseases, quarantine-and-causes-of-death.~~

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 ~~at-one-of-the-regular-examinations held by the board during-the-first-year-after-his-graduation as provided in section one hundred forty-seven point thirty-four (147.34) of the Code.~~ The applicant may then receive a class "A" certificate of studentship apprenticeship and shall then complete a minimum of one additional year of

studentship apprenticeship. The applicant apprentice shall ~~during-this-studentship-direct-or~~ assist in the direction of not less than twenty-five funerals under the direct supervision of a licensed funeral director in-good-standing in-this-state. The apprentice shall arterially embalm not less than twenty-five dead human bodies under the direct supervision of a funeral director. The applicant shall demonstrate proficiency as directed by the board of mortuary science examiners by practical examination.

Sec. 5. Section one hundred fifty-six point eight (156.8), Code 1977, is amended to read as follows:

156.8 STUDENTSHIP APPRENTICESHIP. The board ~~of-funeral director-and-embalmer-examiners~~ shall, by rule ~~approved-by the-state-department-of-health,~~ provide for studentships apprenticeships in funeral directing ~~and-embalming,~~ and shall regulate the registration, ~~and training thereof,-and-no applicant-shall-be-eligible-to-take-the-funeral-directors-or-embalmers-examinations-who-has-not-first-been-legally registered-as-a-student,-For-such-registration-a-fee-set by-the-board-to-cover-registration-costs-shall-be-collected from-the-applicant-for-each-license~~ and fee for apprenticeships.

Sec. 6. Section one hundred fifty-six point nine (156.9), Code 1977, is amended to read as follows:

156.9 REVOCATION OF LICENSE. ~~For-the-purpose-of-revoking a-license-under-the-provisions-of-section-447.55,-"un-professional-conduct"-on-the-part~~ The board may revoke or suspend the license of a funeral director ~~or-embalmer-shall in-addition-to-the-provisions-of-said-section-consist-of~~ for any one of the following acts:

1. Knowingly misrepresenting any material matter to a prospective purchaser of funeral merchandise, furnishings, or services.
2. Executing a death certificate or shipping paper for use of anyone except a licensed funeral director or-licensed embalmer or a registered student apprentice who is working under the immediate personal supervision of a licensed funeral director or-licensed-embalmer.
3. ~~Recommending-to-the-board-of-funeral-director-and embalmer-examiners-an-applicant-for-a-license-who-has-not, to-his-personal-knowledge,-complied-with-the-requirements of-the-law-and-the-rules-of-the-board-of-funeral-director and-embalmer-examiners-~~

~~4-~~ If the ~~licensee-shall-engage~~ funeral director engages ~~generally~~ in the business of selling or issuing burial contracts or burial certificates in anticipation of the death of a person, or ~~if-he-shall-enter~~ enters into any contract with another ~~whereby-he-agrees-or-undertakes~~ person to furnish funeral supplies or funeral service to persons who have been solicited by ~~such-other~~ or who have agreed with ~~such-other~~ that person to purchase the ~~same,-provided,-this~~ supplies or services. This subsection shall not apply to contracts with the United States or any department of the federal government, ~~-including-army-and-veterans'-hospitals,~~ or to any contract made in conjunction with the sale of any life insurance policy issued by a life insurance company licensed to transact business in Iowa.

4. Any of the applicable grounds for revocation or suspension of a license provided in Acts of the Sixty-seventh General Assembly, 1977 Session, chapter ninety-five (95) and chapter one hundred forty-seven (147) of the Code.

Sec. 7. Section one hundred fifty-six point twelve (156.12), Code 1977 Supplement, is amended to read as follows:

156.12 FUNERAL DIRECTORS ~~AND-EMBALMERS--~~SOLICITATION OF BUSINESS--PENALTY. Every funeral director ~~or-embalmer,~~ or any person acting ~~for-him-or-her,~~ in their behalf who pays or causes to be paid, ~~directly-or-indirectly,~~ any money or other thing of value as a commission or gratuity for the securing of business for such funeral director ~~or-embalmer,~~ and every person who accepts or offers to accept any money or other thing of value as a commission or gratuity from a funeral director ~~or-embalmer~~ in order to secure business for him or her shall be deemed guilty of a simple misdemeanor, ~~provided-that-nothing-herein-contained.~~ This section shall not be construed as prohibiting any person, firm, co-operative burial association or corporation, subject to the provisions of this chapter, from using legitimate and honest advertising.

Sec. 8. Section one hundred fifty-six point thirteen (156.13), Code 1977, is amended to read as follows:

156.13 CERTIFICATE OF NATIONAL BOARD IN LIEU OF EXAMINATION. The state department of health may, with the approval of the board ~~of-funeral-director-and-embalmer~~ examiners, accept in lieu of the examination prescribed in section 156.4 and section 156.5, a certificate of examination issued by the ~~national-board~~ National Conference of funeral director-and-embalmer-examiners-of-the-United-States-of-America Funeral Service Examining Boards, ~~but~~ and every applicant

for a license upon the basis of such certificate shall be required to pay the fee ~~prescribed-for-licenses-under reciprocal-agreements.~~

Sec. 9. Section one hundred forty-four point twenty-seven (144.27), Code 1977, is amended to read as follows:

144.27 FUNERAL DIRECTOR'S DUTY. The funeral director who first assumes custody of a dead body shall file the death certificate, ~~He shall~~, obtain the personal data from the next of kin or the best qualified person or source available and ~~shall~~ obtain the medical certification of cause of death from the person responsible for issuing and signing the certification. When a person other than a funeral director assumes custody of a dead body, the person shall be responsible for carrying out the provisions of this section.

Sec. 10. Section one hundred forty-four point thirty-four (144.34), Code 1977, is amended to read as follows:

144.34 DISINTERMENT--PERMIT. Disinterment of a dead body or fetus shall be allowed for the purpose of autopsy or reburial only, and then only if accomplished by a ~~licensed~~ funeral director ~~or-embalmer~~. A permit for such disinterment and, thereafter, reinterment shall be issued by the state registrar according to rules adopted pursuant to chapter 17A or when ordered by the district court of the county in which such body is buried. The state registrar, without a court order, shall not issue a permit without the consent of the surviving spouse or in case of such spouse's absence, death, or incapacity, the next of kin. Disinterment for the purpose of reburial may be allowed by court order only upon a showing of substantial benefit to the public. Disinterment for the purpose of autopsy or reburial by court order shall be allowed only when reasonable cause is shown that someone is criminally or civilly responsible for such death, after hearing, upon reasonable notice prescribed by the court to the surviving spouse or in his or her absence, death, or incapacity, the next of kin. Due consideration shall be given to the public health, the dead, and the feelings of relatives.

Sec. 11. Section one hundred forty-four point forty-nine (144.49), Code 1977, is amended to read as follows:

144.49 ADDITIONAL RECORD BY FUNERAL DIRECTOR. A funeral director, ~~embalmer~~, or other person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other form required by this chapter, shall keep a record which shall identify the body, and information pertaining to his or her

receipt, removal, and delivery of the body as prescribed by the department.

Sec. 12. Section one hundred forty-seven point one (147.1), subsections two (2) and three (3), Code 1977, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, practitioner of cosmetology, practitioner of barbering, or funeral director ~~or-embalmer~~ shall mean a person licensed under this title.

3. "Profession" shall mean medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, cosmetology, barbering, ~~funeral-directing-or-embalming~~ or mortuary science.

Sec. 13. Section one hundred forty-seven point two (147.2), Code 1977, is amended to read as follows:

147.2 LICENSE REQUIRED. No person shall engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, cosmetology, barbering, ~~funeral-directing-or-embalming~~ or mortuary science as defined in the following chapters of this title, unless he or she shall have obtained from the state department of health a license for that purpose.

Sec. 14. Section one hundred forty-seven point three (147.3), Code 1977, is amended to read as follows:

147.3 QUALIFICATIONS. An applicant for a license to practice a profession under this title shall not be ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. Any board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of medicine, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing, psychology, optometry, speech pathology, audiology, pharmacy, physical therapy, cosmetology, barbering or ~~funeral directing-or-embalming~~ mortuary science for which the applicant requests to be licensed. Character references may be required,

but shall not be obtained from licensed members of the profession.

Sec. 15. Section one hundred forty-seven point thirteen (147.13), Code 1977, is amended to read as follows:

147.13 DESIGNATION OF BOARDS. The examining boards provided in section 147.12 shall be designated as follows: For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, medical examiners; for psychology, psychology examiners; for podiatry, podiatry examiners; for chiropractic, chiropractic examiners; for physical therapists, physical therapy examiners; for nursing, board of nursing; for dentistry and dental hygiene, dental examiners; for optometry, optometry examiners; for speech pathology and audiology, speech pathology and audiology examiners; for cosmetology, cosmetology examiners; for barbering, barber examiners; for pharmacy, pharmacy examiners; for ~~funeral directing and embalming, funeral director and embalmer~~ mortuary science, mortuary science examiners.

Sec. 16. Section one hundred forty-seven point fourteen (147.14), subsection one (1), Code 1977, is amended to read as follows:

1. For podiatry, physical therapy, cosmetology, barbering, and ~~funeral directing and embalming~~ mortuary science, 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. 17. Section one hundred forty-seven point eighty (147.80), subsection ten (10), Code 1977, is amended to read as follows:

10. License to practice ~~funeral directing and embalming~~ mortuary science issued upon the basis of an examination given by the board of ~~funeral directing and embalming~~ mortuary science examiners, license to practice ~~funeral directing and embalming~~ mortuary science issued under a reciprocal agreement, renewal of a license to practice ~~funeral directing, renewal of a license to practice embalming~~ mortuary science.

Sec. 18. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter ninety-five (95), section one (1), subsection one (1), paragraph 1, is amended to read as follows:

1. The board of ~~funeral directors and embalmer~~ mortuary science examiners, created pursuant to chapter one hundred

forty-seven (147) of the Code.

Sec. 19. Sections one hundred fifty-six point five (156.5), one hundred fifty-six point six (156.6), one hundred fifty-six point seven (156.7), and one hundred fifty-six point eleven (156.11), Code 1977, are repealed.

Sec. 20. All persons who hold both a funeral director's license and an embalmer's license under chapter one hundred fifty-six (156) of the Code on the effective date of this Act shall be issued a funeral director's license by the board of mortuary science. A person who holds either a funeral director's license or an embalmer's license on the effective date of this Act shall be issued a funeral director's license by the board of mortuary science, but the practice permitted by that license shall be limited to funeral directing or embalming respectively as defined in section one hundred fifty-six point one (156.1) of the Code prior to the effective date of this Act and permitted by the previous license held by the funeral director or embalmer. The members of the board of funeral directors and embalmers shall serve as members of the board of mortuary science until the expirations of their terms. The rules of the board of funeral directors and embalmers shall remain in effect as rules of the board of mortuary science until changed by that board.

Approved May 15, 1978

CHAPTER 1076

PROBING GRAIN FOR FOREIGN MATERIAL

S. F. 2176

AN ACT relating to the probing of grain for foreign material content.

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

Section 1. Section one hundred fifty-nine point five (159.5), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Approve all methods of probing for foreign material content of any type of grain.

Approved June 2, 1978