

**CHAPTER 4610**  
**DEPARTMENT OF HEALTH**  
**MORTICIANS, FUNERAL DIRECTORS, AND THE**  
**DISPOSITION OF THE DEAD**

**NOTE:** Under Minnesota Statutes, section 144.011, the State Board of Health was abolished and all of its duties transferred to the commissioner of health.

4610.0200	RESIDENT TRAINEE IN MORTUARY SCIENCE.	4610.1400	TRANSPORTATION INAPPLICABLE TO CORONER.
4610.0300	RESIDENT TRAINEE REGISTRATION.	4610.1500	KIND OF CONVEYANCES PERMITTED.
4610.0400	MORTICIANS' QUALIFICATIONS.	4610.1600	MOVING BODIES LOCALLY.
4610.0500	LICENSE APPLICATION, RENEWAL, AND ENDORSEMENT FEES.	4610.1700	ARSENICAL EMBALMING FLUIDS.
4610.0600	FUNERAL DIRECTORS.	4610.1800	OUTSIDE CONTAINER.
4610.0700	COMMUNICABLE DISEASE DEATHS, PRIVATE FUNERALS.	4610.1900	OPENING OF SEALED CASKETS.
4610.0800	REGULATIONS GOVERNING TRANSPORTATION OF THE DEAD.	4610.2000	ASHES OF THE DEAD.
4610.0900	TRANSPORTATION PERMIT.	4610.2100	SERVING OF FOODSTUFFS IN FUNERAL ESTABLISHMENTS.
4610.1000	TRANSPORTING DEAD OF ANY COMMUNICABLE DISEASE.	4610.2200	PERMIT FOR DISINTERMENT AND REINTERMENT.
4610.1100	TRANSPORTING DEAD BY AIRCRAFT.	4610.2300	SANITARY CONDITION OF MORTUARIES.
4610.1200	TRANSPORTING DEAD OF NONCOMMUNICABLE DISEASE.		<b>ITEMIZATION AND AUTHORIZATION TO EMBALM</b>
4610.1300	TRANSPORTING DISINTERRED BODIES.	4610.2400	DEFINITIONS.
		4610.2500	ITEMIZATION OF FUNERAL COSTS.
		4610.2600	AUTHORIZATION TO EMBALM.
		4610.2700	FORM OF AUTHORIZATION TO EMBALM.

**4610.0200 RESIDENT TRAINEE IN MORTUARY SCIENCE.**

No person shall be permitted to register as a resident trainee until he shall have completed the first year of academic training as provided in Minnesota Statutes, section 149.03.

No service in mortuary science may be performed by a resident trainee except under the personal direction and in the presence of the licensed person under whom he is registered or under another licensed mortician in the same establishment.

No one may at one and the same time be registered under more than one mortician.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

**4610.0300 RESIDENT TRAINEE REGISTRATION.**

Resident trainee registration with the commissioner of health shall show the date on which such traineeship began, the name and address of the mortician under whom he is registered, and the name and address of the company, corporation, or firm of which such mortician is the owner, partner, or employee. Discontinuance of such training or transfer to some other mortician for service as a trainee shall be immediately reported to the commissioner of health. The trainee shall file with the commissioner of health not less than 25 comprehensive case reports upon the forms provided by the commissioner. If the mortician under whom one is registered is not the owner or manager of the establishment in which such mortician and his trainee are working, then in such case all trainee case reports and all statements concerning the period of training, in addition to being signed by the mortician under whom registered, shall also be approved and signed by the employer of such mortician and trainee.

The application for the initial or renewal registration shall be accompanied by a \$10 registration fee. The initial and renewal registration shall be issued for the calendar year for which application is made and shall expire on December 31 of such year. Renewal applications and fees shall be submitted no later than December 31 of the year preceding the year for which application is made.

# MINNESOTA RULES 1983

3341

## MORTICIANS, FUNERAL DIRECTORS 4610.0400

Effective January 1, 1969, mortuary science trainee registration shall be permitted for no more than three years; provided, however, that for good cause the Committee of Examiners in Mortuary Science may extend the registration for an additional period not to exceed one year.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

### 4610.0400 MORTICIANS' QUALIFICATIONS.

**Subpart 1. Requirements.** Every person who wishes to qualify as competent to engage in the practice of mortuary science shall comply with the following requirements.

**Subp. 2. License.** An applicant shall apply to the Minnesota commissioner of health for a license. The application shall contain the full name of the applicant, age, mailing address, and such other pertinent identifying information as the commissioner may require.

**Subp. 3. Age and education.** The applicant shall be at least 18 years of age and shall have successfully completed a minimum of 60 semester or 90 quarter credits at an accredited college or university with credit evaluation in course areas as follows: communications, 15 quarter credits to include speech and English, the social sciences, 18 quarter credits to include sociology and psychology; natural science, 21 quarter credits to include general or inorganic chemistry and biology or zoology; and elective areas, 36 quarter credits. Following this academic work, the applicant shall have completed and have secured a verification of completion of the prescribed course of study from any college of mortuary science accredited by the Conference of Funeral Service Examining Boards of U.S., Inc. or the American Board of Funeral Service Education.

**Subp. 4. Written examination.** After these education qualifications in the order specified have been acquired, the applicant shall attain a satisfactory level of achievement in a comprehensive examination, approved by the commissioner of health in such subjects related to the practice of mortuary science as the commissioner may prescribe. If an applicant for a license to practice mortuary science has satisfactorily passed the national board examination given by the Conference of Funeral Service Examining Boards of the U.S., Inc., and is so certified to the commissioner by the conference, effective January 1, 1976, the commissioner shall, subject to the criteria listed below, accept the results of the national board and require the applicant to successfully pass an examination on laws of the state of Minnesota and the rules of the commissioner pertaining to registration of deaths, embalming, transportation, disposition of dead human bodies, and funeral directing. In order to accept the results of such national examination, the commissioner shall first determine that the knowledge and skills assessed by the examination adequately and accurately evaluate the knowledge and skills needed for actual job performance and ensure that the public is adequately served and protected. An applicant who fails to attain a satisfactory level of achievement on any examination given by or on behalf of the commissioner may be reexamined on application at the next examination.

**Subp. 5. Experience.** After successful completion of required examinations the applicant shall serve at least one year as a trainee in mortuary science under a mortician licensed by the state of Minnesota. During such period of experience the applicant shall be registered as a trainee in mortuary science with the commissioner and shall assist under the supervision of a mortician in embalming at least 25 bodies and in the direction of at least 25 funerals.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

# MINNESOTA RULES 1983

## 4610.0500 MORTICIANS, FUNERAL DIRECTORS

3342

### 4610.0500 LICENSE APPLICATION, RENEWAL, AND ENDORSEMENT FEES.

Subpart 1. **Examination fee.** An applicant for examination for a license in mortuary science, shall submit an application therefor on forms provided by the commissioner of health together with a fee of \$25.

Subp. 2. **License fee.** When the applicant has successfully completed the examination and requirements for original license, the applicant shall submit to the commissioner a license application on a form prescribed by the commissioner and a fee of \$25 payable to, the treasurer, state of Minnesota, after which the license shall be duly issued.

Subp. 3. **License by endorsement.** An applicant for a license in mortuary science by endorsement without examination as to technical qualification pursuant to Minnesota Statutes, section 149.03, subdivision 2, shall submit an application therefor on forms provided by the commissioner of health together with a fee of \$75. The applicant shall prior to licensure pass an examination on the Minnesota laws and rules relating to mortuary science only.

Subp. 4. **Courtesy card.** An applicant for a mortuary science courtesy card, issued pursuant to Minnesota Statutes, section 149.03, subdivision 2, shall submit an application therefor on forms provided by the commissioner of health together with a fee.

Subp. 5. **License issuance and renewal.** Initial and renewal mortuary science licenses or courtesy cards shall be issued for the calendar year for which application is made and shall expire on December 31 of that year.

Renewals thereof shall be obtained on an annual basis. Application for license or courtesy card renewal, together with the renewal fee of \$25 shall be submitted to the commissioner of health on forms provided no later than December 31 of the year preceding the year for which application is made. Failure to submit the renewal application and fee by the date specified above shall result in an increase in the fee to \$35. If the renewal application and fee are not submitted within 31 days after the expiration date, the license or courtesy card shall automatically lapse. Such persons shall be required to apply for a new license and meet all the requirements therefor.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

### 4610.0600 FUNERAL DIRECTORS.

Subpart 1. **Licensing requirement.** Every person who wishes to qualify as competent to engage in the practice of funeral directing, under Laws of Minnesota 1959, chapter 395, shall comply with the following requirements.

Subp. 2. **Application content and affidavit.** He shall make application to the Minnesota commissioner of health for a license. Such application shall contain the name of the applicant in full, age, and place of residence. It shall be accompanied by affidavits from at least two reputable residents of the county in which the applicant resides certifying that the applicant is of good moral character. The applicant shall also submit two affidavits from ordained religious leaders of his faith substantiating the beliefs and convictions of the applicant's faith which forbids the practice of embalming.

The applicant shall be at least 21 years of age, shall have satisfactorily completed at least two years at an accredited college or university with approximate credit evaluation in course areas as follows: speech and English, 15 quarter credits; the social sciences, 16 quarter credits; natural science, 27 quarter credits; and elective areas, 32 quarter credits. Following such academic work applicants shall have completed a course of study at the Department of Mortuary Science at the University of Minnesota or any school of mortuary science accredited by the American Board of Funeral Service Education.

# MINNESOTA RULES 1983

3343

## MORTICIANS, FUNERAL DIRECTORS 4610.0700

Such courses to include a minimum of 21 quarter credits in mortuary management, 29 quarter credits in the mortuary arts and sciences exclusive of any courses in embalming theory and practice.

After the educational qualifications in the order herein specified have been acquired, the applicant shall have served at least one year as a trainee in funeral directing under a Minnesota licensed mortician. During the period of practical experience or traineeship the applicant shall have been registered as a trainee in funeral directing with the commissioner of health and shall have assisted under supervision in the direction of at least 25 funerals. The applicant shall attain a satisfactory level of achievement in a comprehensive written examination given by the commissioner of health in such subjects as anatomy, bacteriology, business methods, chemistry, mortuary management, pathology, public health laws and regulations, and the practice of funeral directing. At the discretion of the commissioner, a practical examination in funeral directing may also be required. An applicant who fails to attain a satisfactory level of achievement may be reexamined on application at the next annual examination.

**Subp. 3. Application for license.** An applicant for a funeral directors license, by examination, shall submit an application therefor on forms provided by the commissioner of health together with a fee of \$25.

**Subp. 4. Renewal.** Initial or renewal funeral director licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year. Renewals thereof shall be obtained on an annual basis. Applications for license renewal, together with the renewal fee of \$25, shall be submitted no later than December 31 of the year preceding the year for which application is made. Failure to so submit the renewal application and fee within 31 days of the date specified above shall result in an automatic lapse in the license which shall not thereafter be reinstated.

**Subp. 5. Funeral establishment permit.** Applications for an original or renewal permit to operate a funeral establishment shall be submitted on forms provided by the commissioner of health together with a fee of \$35. Original permits shall be effective from the day of issuance to the next June 30. Renewal permits shall be issued on an annual basis from July 1 to June 30 of the following year. Failure to submit the renewal application and fee by the expiration date shall result in an increase in the fee to \$45. If the renewal application and fee are not paid within 31 days after the expiration date, the permit shall automatically lapse.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

### **4610.0700 COMMUNICABLE DISEASE DEATHS, PRIVATE FUNERALS.**

Only morticians shall be permitted to take charge of the remains of persons who have died of any communicable disease. When such body is to be shipped, preparation shall be in accordance with part 4610.1000.

The funeral shall be strictly private when the death has been due to diphtheria or smallpox. In the case of a smallpox death the casket shall be hermetically or permanently sealed.

A private funeral allows only the presence of those individuals who have been in immediate contact with the deceased within 21 days before the death occurred, the morticians, and a minister who shall be present only when the morticians in charge of the funeral are also present and who shall be directed by the morticians as to the precautions to be taken. If individuals who have been in such immediate contact with the deceased are not to be present at the funeral a private funeral need not be held. Attendance at interment is limited to those enumerated herein.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

# MINNESOTA RULES 1983

## 4610.0800 MORTICIANS, FUNERAL DIRECTORS

3344

### 4610.0800 REGULATIONS GOVERNING TRANSPORTATION OF THE DEAD.

When a dead human body is transported by common carrier to a destination outside the state, it shall be embalmed and transported in accordance with the transportation regulations of the commissioner of health. The transportation of dead human bodies shall be governed by the transportation regulations adopted by the Minnesota commissioner of health. Only a mortician licensed to engage in the practice of mortuary science shall call for and embalm the body of a person whose death is caused by a disease listed as communicable in part 4610.1000. Following preparation of the body by embalming, either a mortician or a funeral director shall have charge of such body for the purposes of transportation and final disposition.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

### 4610.0900 TRANSPORTATION PERMIT.

A burial-removal-transit permit shall be required for each dead human body transported by common carrier, and in all cases when transported by automobile, aircraft, or any other conveyance in lieu of common carrier. It shall be issued by the local registrar of the place of death or a subregistrar or, if necessary to avoid delay, by the state registrar.

It shall contain the information required on the permit form as furnished by the commissioner of health and be properly signed by the local registrar or a subregistrar, the mortician or funeral director, and the person in charge of the conveyance. When the cause of death is a communicable disease the permit shall be signed by the mortician who prepared the body. Where a firm name is used in the signing of the burial-removal-transit permit it shall be supported by the personal signature of a licensed member of the firm.

The burial-removal-transit permit may be given to the person in charge of the remains, or attached to the shipping container, and in either case delivered with the body at the destination to the sexton or other person in charge of the cemetery, or to the health officer in cities that have local ordinances requiring burial permits by him in all cases.

Officials, agents, and employees of all public transportation facilities throughout the state of Minnesota shall not receive for transportation a dead human body unless the body is accompanied by a burial-removal-transit permit properly completed and signed.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

### 4610.1000 TRANSPORTING DEAD OF ANY COMMUNICABLE DISEASE.

Subpart 1. **Communicable diseases.** The removal and transportation of bodies dead of the following communicable diseases shall be permitted only under the conditions in subparts 2 to 4:

Actinomycosis	Diarrhea, Epidemic
Anthrax	Diphtheria
Botulism	Dysentery
Brucellosis (Undulant Fever)	(a) Amebic
Chickenpox (over 16 years of age)	(b) Bacillary
Cholera, Asiatic	Encephalitis (all types)
Conjunctivitis, Epidemic	Glanders
Gonorrhea	Syphilis
Hepatitis, Infectious	Trachoma
Hepatitis, Serum	Trichinosis
Mononucleosis, Infectious	Influenza
Ophthalmia Neonatorum	Leprosy
Paratyphoid Fever	Leptospirosis

# MINNESOTA RULES 1983

3345

## MORTICIANS, FUNERAL DIRECTORS 4610.1200

Plague	Malaria
Pneumonia	Measles
Poliomyelitis	Meningitis (all types)
Psittacosis	Tuberculosis
Rabies	Tularemia
Rheumatic Fever	Typhoid Fever
Ringworm of the Scalp	Typhus Fever
Rocky Mountain Spotted Fever	Whooping Cough (Pertussis)
Smallpox	Yellow Fever
Streptococcal Diseases, including Scarlet Fever and Epidemic Sore Throat	

Subp. 2. **Covering body before removal.** Before removal by any of the conveyances authorized by part 4610.1500, other than by common carrier, the body shall be properly covered and encased in a zipper pouch, bag, or waterproof sheet and transported in a standard mortuary basket, a regulation ambulance cot, or on an aircraft ambulance stretcher. All sanitary precautions in the preparation for removal and in the removal shall be observed for the protection of the public health.

Subp. 3. **Embalming.** In all cases of communicable disease deaths the body shall be embalmed as soon as practicable, and when the destination will not be reached within 18 hours after death, the body shall be thoroughly embalmed before transportation. Embalming shall include both arterial and cavity treatment, all orifices and discharging sinuses closed with absorbent cotton and the body washed with a disinfecting fluid.

Subp. 4. **Common carrier use.** When a common carrier is to be used, embalming is mandatory and both a casket and an outside container shall be provided.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

### 4610.1100 TRANSPORTING DEAD BY AIRCRAFT.

The transportation of human dead bodies by aircraft shall be permitted under the following conditions.

When the destination is outside the state, a body transported by aircraft shall be first thoroughly embalmed. It may be transported in a standard mortuary basket, on a regulation ambulance cot, or aircraft ambulance stretcher. When transported by common air carrier it shall be enclosed in a casket and tight outside container.

Where a death caused by a disease listed as communicable in part 4610.1000 occurs in a remote and inaccessible locality, the body in an emergency may be brought by aircraft to the nearest point having facilities and there thoroughly embalmed and prepared, as provided in these rules, before being transported further by aircraft.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

### 4610.1200 TRANSPORTING DEAD OF NONCOMMUNICABLE DISEASE.

The transportation of human bodies dead of noncommunicable disease shall be permitted under the following conditions:

A. When the destination will be reached within 18 hours after death, the body shall be enclosed in a casket and a tight outside container. When transportation is to be made by automobile or aircraft, the outside container may be omitted, or the casket and outside container may both be omitted, and in such case the body shall be properly covered and encased in a zipper pouch, bag, or waterproof sheet and transported in a standard mortuary basket, on a regulation ambulance cot, or on an aircraft ambulance stretcher.

**4610.1200 MORTICIANS, FUNERAL DIRECTORS**

3346

B. When the destination will not be reached within 18 hours after death, the body shall be thoroughly embalmed and shipped in accordance with the provisions in item A.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

**4610.1300 TRANSPORTING DISINTERRED BODIES.**

No disinterred body dead from any disease or cause shall be transported unless approved, as is required by parts 4610.2400 to 4610.2700, by the health authorities having jurisdiction. A burial-removal-transit permit signed by the local registrar or a subregistrar, as provided in part 4610.0900, is required.

All disinterred remains shall be enclosed in a sound, tight box and not thereafter opened, provided that bodies in a receiving vault when prepared by morticians shall not be regarded as disinterred bodies unless the health officer so rules. In townships having no physician as medical health officer for the township, a body shall be regarded as disinterred after the expiration of 30 days from the time of death.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

**4610.1400 TRANSPORTATION INAPPLICABLE TO CORONER.**

The rules of the commissioner of health which control the transportation of dead human bodies do not apply to the coroner in the performance of the duties of his office as prescribed by Minnesota Statutes, chapter 390.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

**4610.1500 KIND OF CONVEYANCES PERMITTED.**

In the transportation of any dead body the following conveyances may be used: baggage or express car, boat, hearse, ambulance, any standard automobile properly designed and manufactured for the transportation of dead human bodies, any wagon or sleigh, or airplane. All such conveyances or vehicles shall have ample area to accommodate a standard mortuary basket, a regulation ambulance cot, or aircraft ambulance stretcher in a horizontal position and shall be so designed as to permit loading or unloading without excessive tilting of the cot or basket.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

**4610.1600 MOVING BODIES LOCALLY.**

When the transportation rules do not apply, embalming is not required if the body is to be buried within 72 hours after death.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

**4610.1700 ARSENICAL EMBALMING FLUIDS.**

No embalming fluid containing compounds of arsenic, mercury, zinc, or other poisonous metals shall be sold or used in Minnesota for or in the embalming of dead human bodies for burial.

Provided that in case it appears necessary to hold a dead human body for 30 days or more before burial, the county coroner after an investigation by him as to the cause of death may issue a written order permitting the use of compounds of arsenic, mercury, zinc, or other poisonous metals in the preservation of such body.

In the shipment of the dead in Minnesota when embalming is carried out, the fluid shall be of a quality and used in sufficient quantity to properly embalm the body.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

# MINNESOTA RULES 1983

3347

MORTICIANS, FUNERAL DIRECTORS 4610.2200

## **4610.1800 OUTSIDE CONTAINER.**

Every outside container shall bear at least four handles and when over five feet six inches in length shall bear six handles.

*Statutory Authority: MS s 144.12 subd 1; 144.122; 149.02*

## **4610.1900 OPENING OF SEALED CASKETS.**

The opening of hermetically sealed caskets containing disinterred remains of persons dead from any cause and shipped for burial in Minnesota is hereby forbidden except when so ordered by a court of competent jurisdiction.

*Statutory Authority: MS s 144.12 subd 1; 144.122; 149.02*

## **4610.2000 ASHES OF THE DEAD.**

Cremation of a dead human body shall be considered as a final disposal of that body. No additional permit covering transportation, interment, or other disposal of ashes of a cremated body, or concerning the kind of container in which such ashes are placed for preservation or transportation is required.

*Statutory Authority: MS s 144.12 subd 1; 144.122; 149.02*

## **4610.2100 SERVING OF FOODSTUFFS IN FUNERAL ESTABLISHMENTS.**

In the interest of safeguarding public health, safety, welfare, and sanitation, the serving of food to the public in a funeral establishment is prohibited. For the purpose of this part, beverages served in single use disposable containers shall not be considered food.

*Statutory Authority: MS s 144.12 subd 1; 144.122; 149.02*

## **4610.2200 PERMIT FOR DISINTERMENT AND REINTERMENT.**

No person except a mortician, and then only after first having obtained a permit therefor from the local health officer and the local registrar or a subregistrar, as hereinafter prescribed, shall disinter the body of a deceased person; provided, the authorities in charge of a cemetery may transfer bodies buried therein from one part of such cemetery to another part thereof with the approval and under supervision of the local health officer. Any person desiring such a permit shall first secure from the actuary or secretary or other person in charge of the cemetery records a written statement showing that such body is buried in that cemetery and giving thereon the name of deceased, age at the time of death, date of death, cause of death, and date of burial. He shall present this statement to the proper local health officer and make application for permission to disinter and remove such body.

Provided, if there is no such cemetery record then such statement by relatives of the deceased or other competent person or persons who are empowered to cause such disinterment and removal shall be presented. Provided further, if the health officer has cemetery records of the cemeteries in his municipality and a record of such interment, no such written statement need be secured or filed with him.

The local health officer shall question the applicant as to the manner in which it is proposed to disinter, handle, and dispose of the remains, and shall give and enforce such directions for disinterment, removal, and reinterment as he deems necessary for the protection of the public health. Such local health officer shall thereafter notify the local registrar or subregistrar orally or in writing if he has approved such application. The applicant shall thereupon apply to the registrar or to a subregistrar, who shall issue in duplicate a written disinterment-reinterment permit, using for such purpose the burial-removal-transit form now provided by the commissioner of health for original interments and noting thereon the words "disinterment-reinterment permit."

# MINNESOTA RULES 1983

## 4610.2200 MORTICIANS, FUNERAL DIRECTORS

3348

The mortician shall furnish the sexton or person in charge of any cemetery, burial place, or other premises in which the disinterment is made, a duplicate copy of the disinterment-reinterment form. The sexton in charge of the final resting place shall not inter or permit the interment or other disposition of the disinterred body of a deceased person until he receives a disinterment-reinterment permit.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

## 4610.2300 SANITARY CONDITION OF MORTUARIES.

Subpart 1. **Mortuary defined.** A funeral home, mortuary, or funeral directing establishment is a facility approved by the commissioner and devoted to or used for, or held out to the public as a place for the care, preparation, or repose prior to burial or transportation of dead human bodies; or for the conducting of funeral services. However, these definitions are not applicable to any facility operated by a person holding a single license as funeral director as provided in Minnesota Statutes 1957, section 149.02.

Subp. 2. **Preparation room.** All mortuaries and funeral directing establishments shall be maintained in a sanitary manner at all times. A properly lighted and ventilated preparation room shall be provided in every mortuary or funeral directing establishment. It shall have a tile, terrazzo, concrete, composition, or linoleum-covered floor which shall be kept in a smooth and easily cleanable condition and made free and clear of dust, dirt, refuse, and other contaminations. The operating or embalming table shall have a tile, metal, or other hard surface sanitary top. The floors and walls of the preparation room and all embalming or dressing tables, portable couches, cooling boards, and transfer cases shall be kept in a clean and sanitary condition.

Subp. 3. **Embalming room.** The operating or embalming room shall be provided with an adequate water supply. Liquid waste from the operating or embalming tables shall be directed to an open fixture which is properly vented and connected to the building drainage system. Where a municipal sewerage system is available, the building drainage system shall be discharged into the municipal sewage system; where such a system is not available, the building drainage system must be discharged into a satisfactory private system of waste disposal. There shall be no connection or other arrangement from any plumbing fixture or device whereby unsafe water or other foreign material may be discharged or drawn into a safe water supply. Every plumbing fixture, receptacle, and water supply tank shall be provided with a proper air gap or other acceptable device to prevent backflow into the water supply.

Subp. 4. **Removal of waste.** Refuse, bandages, cotton, and other wastes shall be collected in proper and convenient receptacles which shall be provided in the operating and preparation rooms. All such waste shall be destroyed by incineration and all embalming tables, hoppers, sinks, receptacles, instruments, and other appliances used in the embalming of dead human bodies shall be thoroughly cleaned immediately after the preparation of the case is completed.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

## ITEMIZATION AND AUTHORIZATION TO EMBALM

### 4610.2400 DEFINITIONS.

Subpart 1. **Application.** For the purposes of parts 4610.0200 to 4610.2700, the words, terms, and phrases listed in this part shall have the meaning stated herein, unless the language and context clearly indicates that a different meaning is intended.

Subp. 2. **Burial vault/interment receptacle.** "Burial vault/interment receptacle" means an outer container used to enclose the casket for earth burial.

Subp. 3. **Cash advanced items.** "Cash advanced items" means items of merchandise and services provided by other than the mortician, funeral director, or funeral establishment, the liability for which is incurred by the mortician, funeral director, or funeral establishment on behalf of the funeral arranger and listed on the itemization form.

Subp. 4. **Casket.** "Casket" means a container commonly used to enclose a dead human body for the purposes of the funeral and final disposition.

Subp. 5. **Cremation/calcination.** "Cremation/calcination" means the use of direct flames or intense heat to reduce the dead human body to ashes and inorganic bone fragments.

Subp. 6. **Destination.** "Destination" means the city or town of final disposition.

Subp. 7. **Disposal unit.** "Disposal unit" means a container other than a casket used for burial, cremation, calcination, or entombment of a dead human body.

Subp. 8. **Embalming.** "Embalming" means a process of chemically treating the dead human body to reduce the presence and growth of organisms, to retard organic decomposition and to restore an acceptable physical appearance.

Subp. 9. **Funeral.** "Funeral" means the rites or ceremonies connected with the final disposition of a dead human body with the body present.

Subp. 10. **Funeral service merchandise.** "Funeral service merchandise" includes such items as clothing, register books, cards, and religious and fraternal items necessary to the conduct of the service.

Subp. 11. **Preparation of the body.** "Preparation of the body" includes such items of care as the setting of features, restorative procedures, washing, disinfecting, care of hair, shaving, dressing, and casketing.

Subp. 12. **Professional services.** "Professional services" includes the provision of staff for arrangements, visitations, funeral, memorial service when the body is not present, final disposition, and administrative services such as counseling, securing, and preparing necessary documents.

Subp. 13. **Transportation costs.** "Transportation costs" includes the vehicle used for the initial transfer of the deceased, funeral coach, funeral sedans, flower car, service/utility car, and the use of common carriers where needed.

Subp. 14. **Use of facilities.** "Use of facilities" means:

A. provision of chapel or room for the funeral or memorial service and/or provision of facilities for parking, counseling offices, and other administrative purposes; and

B. provision of chapel or room for visitation/reviewal.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

#### **4610.2500 ITEMIZATION OF FUNERAL COSTS.**

Before final agreement is reached between the client and funeral establishment the mortician or funeral director shall give or cause to be given to the person(s) making arrangements, a written disclosure with the items and costs listed separately as required by Minnesota Statutes, section 149.09, subdivision 1.

As a minimum the disclosure shall include a statement of charges for casket, burial vault, use of facilities for reviewal, use of facilities for funeral services, specifically itemized transportation costs, specifically itemized funeral service merchandise, embalming, preparation of the body, other professional services, and anticipated cash advances and expenditures. When cremation is to be the method of final disposition the disclosure shall have printed in conspicuous print: "Minnesota law does not require that remains be placed in a casket before or at the time of cremation."

A copy of the itemized statement (funeral expense contract) shall be given the person(s) making funeral arrangements. The contract shall be signed by

# MINNESOTA RULES 1983

## 4610.2500 MORTICIANS, FUNERAL DIRECTORS

3350

both parties and the funeral establishment shall retain a copy for three years thereafter.

If the charge for any item is not known at the time the contract is entered into, the establishment representative shall give his/her best estimate of the charges and advise the purchaser(s) of the exact charge as soon as the information becomes available.

No funeral establishment shall bill or cause to be billed any item that is referred to as a "cash advanced" item unless the net amount paid for such item or items by the funeral establishment is the same as is billed to the funeral establishment. The term "net" is not meant to include any discounts that may be allowed for prompt payment by the funeral establishment.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

## 4610.2600 AUTHORIZATION TO EMBALM.

Written authorization for embalming a dead human body shall be obtained from the person lawfully entitled to custody of the body or from the individual prior to his/her death.

Oral permission shall constitute approval to proceed with embalming, however, the establishment representative must specifically use the term "embalm" in securing oral permission. Written authorization shall be obtained as soon as practicable.

Upon request the mortician or funeral director shall explain the requirements of parts 4610.0800 to 4610.1600 which in some instances mandate embalming and make available a copy of parts 4610.0800 to 4610.1600. When embalming is required as provided in parts 4610.0800 to 4610.1600, permission to embalm shall, as a matter of law, be implied.

The written authorization shall be retained in the establishment record of the deceased for three years and a copy made available to the person(s) granting authority.

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*

## 4610.2700 FORM OF AUTHORIZATION TO EMBALM.

The written authorization statement shall be as follows:

### Authorization to Embalm

I authorize \_\_\_\_\_ and its staff, agents or representative to embalm the body of \_\_\_\_\_. I am a relative of the deceased and/or am entitled to custody of the deceased. I understand that embalming is not required by Minnesota law except as provided by parts 4610.0800 to 4610.1600.

- 1) The deceased is to be sent out of state by common carrier or aircraft,
- 2) Death is due to communicable disease,
- 3) More than 18 hours will elapse from time of death to arrival at the destination, or
- 4) Final disposition of the deceased is longer than 72 hours after death.

\_\_\_\_\_  
name, relationship

\_\_\_\_\_  
name, establishment representative

**Statutory Authority:** *MS s 144.12 subd 1; 144.122; 149.02*