

CHAPTER 4610

DEPARTMENT OF HEALTH

DISPOSITION OF THE DEAD

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4610.0200 [Renumbered 4610.0410]

4610.0300 [Renumbered 4610.0420]

4610.0400 MORTICIANS' QUALIFICATIONS.

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

Subp. 2. **License.** An applicant shall apply to the commissioner of health for a license. The application shall contain the full name of the applicant, age, mailing address, and 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, 12 quarter credits to include speech and English; the social sciences, 20 quarter credits to include sociology and psychology; natural science, 20 quarter credits to include general or inorganic chemistry and biology; health education (to include personal or community health) 4 quarter credits; and elective areas, 34 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 funeral service education accredited by the American Board of Funeral Service Education.

Subp. 4. **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 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 United States, Inc., and is so certified to the commissioner by the conference, the commissioner shall, subject to the criteria listed below, accept the results of the National Board Examination and require the applicant to pass an examination on the laws 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 the National Board 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 health is 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.

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 this period the applicant shall be registered as a trainee in mortuary science with the commissioner and shall participate under the supervision of a mortician in embalming at least 25 bodies and in the arrangements and direction of at least 25 funerals.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.0410 RESIDENT TRAINEE IN MORTUARY SCIENCE.

A person shall be permitted to register as a resident trainee after that person has completed 45 credit hours or 30 semester hours, during the first year of academic training as provided in Minnesota Statutes, section 149.03.

All service in mortuary science shall be performed by a resident trainee under the direction of and responsibility of the licensed person under whom the trainee is registered. A trainee shall be registered under only one mortician at any given time.

A licensed mortician shall have only one trainee registered to him or her at any given time.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.0420 RESIDENT TRAINEE REGISTRATION.

Resident trainee registration with the commissioner of health shall show the date on which the traineeship began, the name and address of the mortician under whom the trainee is registered, and the name and address of the company, corporation, or firm of which the mortician is the owner, partner, or employee. Discontinuance of 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 case reports upon the forms provided by the commissioner, which shall be signed by the mortician under whom the trainee is registered.

The application for the initial or renewal registration shall be accompanied by a registration fee in an amount specified in part 4610.2800. The initial and renewal registration shall be issued for the calendar year for which application is made and shall expire on December 31 of each year. Renewal applications and fees shall be submitted no later than December 31 of the year preceding the year for which application is made.

Trainee registration shall be permitted for no more than three years; provided that for good cause the Mortuary Science Advisory Council may extend the registration for an additional period not to exceed one year.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

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 to the commissioner on forms provided by the commissioner together with a fee in an amount specified in part 4610.2800.

Subp. 2. License fee. When the applicant has successfully completed the examination and all other requirements for original license, the applicant shall submit to the commissioner a license application on a form provided by the commissioner and a fee in an amount specified in part 4610.2800 payable to, the treasurer, state of Minnesota, after which the license shall be issued.

Subp. 3. License by endorsement. An applicant for a license in mortuary science by endorsement without examination as to qualifications pursuant to Minnesota Statutes, section 149.03, subdivision 2, shall submit an application on forms provided by the commissioner together with a fee in an amount specified in part 4610.2800. The applicant shall pass an examination on the Minnesota laws and rules relating to mortuary science prior to licensure.

Subp. 4. [Repealed, 10 SR 2319]

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

Renewals shall be obtained on an annual basis. Application for license renewal, together with the renewal fee in an amount specified in part 4610.2800 shall be submitted to the commissioner 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 in an amount specified in part 4610.2800. If the renewal application and fee are not submitted within 31 days after the expiration date, the license shall automatically lapse.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.0600 FUNERAL DIRECTORS.

Subpart 1. **Licensing requirement.** Every person who wishes to qualify to engage in the practice of funeral directing under Minnesota Statutes, chapter 149, shall comply with the following requirements.

The applicant shall submit two affidavits from ordained religious leaders of the applicant's faith substantiating the beliefs and convictions of the applicant's faith which forbids the practice of embalming.

The applicant shall be at least 18 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, 12 quarter credits; the social sciences, 20 quarter credits; natural science, 20 quarter credits; health education (to include personal or community health) 4 quarter credits, and elective areas, 34 quarter credits. Following such academic work applicants shall have completed a course of study and submit the applicant's official transcript from any school of mortuary science accredited by the American Board of Funeral Service Education in order to verify completion of all credits with the exception of embalming.

After the educational qualifications in the order 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 and shall have participated under supervision in the arranging and direction of at least 25 funerals. The applicant shall attain a satisfactory level of achievement in a comprehensive written examination given by the commissioner in such subjects as anatomy, microbiology, business methods, chemistry, funeral service directing and funeral service management, pathology, Minnesota laws and rules as they apply to mortuary science, and the practice of funeral directing. An applicant who fails to attain a satisfactory level of achievement may be reexamined at the discretion of the commissioner.

Subp. 2. [Repealed by amendment, 10 SR 2319]

Subp. 3. **Application for license.** An applicant for a funeral directors license, by examination, shall submit an application on forms provided by the commissioner together with a fee in an amount specified in part 4610.2800.

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 shall be obtained on an annual basis. Applications for license renewal, together with the renewal fee in an amount specified in part 4610.2800, shall be submitted no later than December 31 of the year preceding the year for which application is made. Failure to submit the renewal application and fee within 31 days of the date specified above shall result in an automatic lapse.

Subp. 5. [Repealed, 10 SR 2319]

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.0650 FUNERAL ESTABLISHMENT PERMIT.

Applications for an original or renewal permit to operate a funeral establishment must be submitted on forms provided by the commissioner together with a fee in an amount specified in part 4610.2800. Original permits are effective from the day of issuance to the next June 30. Renewal permits must 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 results in an increase in the fee in an amount specified in part 4610.2800. If the renewal application and fee are not paid within 31 days after the expiration date, the permit automatically lapses.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

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 transported, preparation shall be in accordance with part 4610.1000.

When death is due to communicable disease, the funeral shall be private if so directed by the commissioner.

For purposes of this part, a private funeral is a funeral service where contact and viewing of the dead human body may be restricted or limited because of the cause of death to ensure the public's health, safety, and welfare.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.0800 TRANSPORTATION OF THE DEAD.

The transportation of dead human bodies is governed by this part. When a dead human body is transported by public transportation to a destination outside the state, it must be embalmed. Only a person licensed to engage in the practice of mortuary science shall remove a dead human body from the place of death. Following preparation and embalming of the body, either a mortician or a funeral director shall have charge of such body for the purposes of transportation and final disposition.

This part does not apply to nor shall it in any way interfere with the duties of any officer of any public institution, or with the duties of any officer of a medical college, county medical society, anatomical association, accredited college of mortuary science, or to any person engaged in the performance of duties prescribed by law relating to the conditions under which indigent dead human bodies are held subject to anatomical study; duly authorized personnel from a licensed ambulance service in the performance of their duties; the coroner or medical examiner in the performance of the duties of the office as prescribed by Minnesota Statutes, chapter 390; or to the customs or rites of any recognized religion in the burial of their dead.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.0900 TRANSPORTATION PERMIT.

A burial-removal-transit permit shall be required for each dead human body transported by automobile, aircraft, rail, bus, or any other conveyance. 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 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 shall be given to the person in charge of the remains, or attached to the transportation container, and in either case delivered with the body at the destination.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.1000 TRANSPORTING DEAD OF ANY COMMUNICABLE DISEASE.

Subpart 1. **Communicable diseases.** The removal and transportation of bodies dead of communicable diseases as specified in part 4605.7040 shall be permitted only under the conditions in subparts 2 to 4.

Subp. 2. **Covering body before removal.** Before removal by any of the conveyances authorized by part 4610.1500, other than by public transportation, the body shall be wrapped in a waterproof sheet, properly covered and encased in a secure pouch, and transported on a regulation ambulance cot, or on an aircraft ambulance stretcher. 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 within 18 hours after death. When a body, dead from a communicable disease, is held by a medical institution beyond 18 hours, the body must be embalmed as soon as possible after that time. Embalming shall include both arterial and cavity treatment, all orifices, discharging sinuses, and areas of broken skin closed with absorbent cotton and the body washed with a disinfecting fluid.

Subp. 4. **Public transportation use.** When public transportation is to be used, embalming is mandatory and an acceptable container shall be used.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

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 embalmed. It shall be transported on a regulation ambulance cot, or aircraft ambulance stretcher. When transported by public air carrier it shall be embalmed and enclosed in an acceptable container.

Where a death caused by a disease listed as communicable in part 4605.7040 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 embalmed and prepared, as provided in parts 4610.0700 to 4610.1800, before being transported further by aircraft.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

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 secured pouch or impermeable sheet and transported on an ambulance cot or aircraft ambulance stretcher.

B. When the destination will not be reached within 18 hours after time of death or if held by a medical institution beyond the 18 hours' notice of release from place of death, the body shall be thoroughly embalmed and transported in accordance with the provisions in item A. Final disposition must be accomplished within 72 hours for all unembalmed bodies.

Refrigeration is not considered a form of preservation or disinfection and does not alter the 72-hour rule.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

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 container and not thereafter opened, provided that bodies in a receiving vault when prepared by morticians shall not be regarded as disinterred bodies unless the agent of a board of health as authorized under Minnesota Statutes, section 145A.04 so rules.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319; L 1987 c 309 s 24*

4610.1400 [Repealed, 10 SR 2319]

4610.1500 CONVEYANCES PERMITTED.

In the transportation of any dead body, all conveyances or vehicles shall have ample enclosed area to accommodate an 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.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.1550 REMOVAL OF INFANTS.

Any body measuring less than 36 inches may be transported in a passenger automobile after having been properly covered and encased.

For purposes of this part "passenger automobile" means a motor vehicle designed and used for carrying not more than ten persons, including station wagons, but excluding motorcycles and motor scooters.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.1600 MOVING BODIES LOCALLY.

When parts 4610.0800 to 4610.1550 do not apply, embalming is not required if the body is to be buried or cremated within 72 hours after death.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.1700 FORBIDDEN COMPOUNDS IN EMBALMING CHEMICALS.

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.

In the transport 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 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.1800 TRANSPORTATION CONTAINER.

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

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.1900 OPENING OF DISINTERRED CASKETS.

The opening of caskets containing disinterred remains is forbidden except when ordered by a court of competent jurisdiction.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.2000 CREMATED REMAINS.

Cremation of a dead human body shall be considered as a final disposition of that body. No additional permit covering transportation, interment, or other disposition of cremains, or concerning the kind of container in which the cremains are placed for preservation or transportation is required. When cremation is selected as a method of disposition, cremation must be accomplished 72 hours from the time of death on all unembalmed bodies.

When a container or urn for cremains is offered or provided, it shall be of adequate size to enclose the entire cremains. Commingling of cremains shall not be permitted without written permission from next of kin.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.2100 [Renumbered 4610.2210]**4610.2200 PERMIT FOR DISINTERMENT AND REINTERMENT.**

No person except a mortician, and then only after first having obtained a permit from the agent of a board of health as authorized under Minnesota Statutes, section 145A.04 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 the cemetery to another part thereof with the approval and under supervision of the authorized agent. Any person desiring a permit shall first secure from the person in charge of the cemetery records a written statement showing that the body is buried in that cemetery and give the name of deceased, age at the time of death, date of death, cause of death, and date of burial. A person shall present this statement to the proper authorized agent and make application for permission to disinter and remove the body.

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

The authorized agent 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 directions for disinterment, removal, and reinterment as necessary for the protection of the public health. The authorized agent shall notify the local registrar or subregistrar orally or in writing that the application has been approved. The applicant shall apply to the registrar or subregistrar, who shall issue in duplicate a written disinterment reinterment permit, using the burial removal transit form provided by the commissioner of health for original interments and noting on the forms the words "disinterment reinterment permit."

The mortician shall give 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 or person in charge shall not inter or permit the interment or other disposition of the disinterred body of a deceased person until a disinterment reinterment permit is received.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319; L 1987 c 309 s 24*

4610.2210 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 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.2300 SANITARY CONDITION OF FUNERAL ESTABLISHMENTS.

Subpart 1. [Repealed, 10 SR 2319]

Subp. 2. **Preparation and embalming room.** All preparation and embalming rooms shall be maintained in a sanitary manner at all times. A properly lighted and ventilated preparation and embalming room shall be provided in every funeral establishment. It shall have a nonporous floor which shall be kept clean and free of dust, dirt, refuse, and other contaminants. Each room must have a nonporous preparation and embalming table. The floor, walls, and ceiling of the preparation and embalming room and all embalming tables, dressing tables, temporary tables, removal cots, stretchers, and transportation containers shall be kept in a clean and sanitary condition.

The embalming and preparation room shall be provided with a water supply approved by the department of health. Waste from the embalming process 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. (See appendix to plumbing code.)

Subp. 3. **Removal of waste.** Refuse, bandages, cotton, and other wastes shall be collected in approved receptacles as provided in the embalming and preparation room. All infectious waste and pathological waste as defined in Minnesota Statutes, section 116.76, must be handled in a sanitary manner according to parts 4622.0100 to 4622.1200 and Minnesota Statutes, sections 116.76 to 116.83. Embalming tables, hoppers, sinks, receptacles, instruments, positioning blocks, and other appliances used in the embalming of dead human bodies shall be thoroughly cleaned immediately upon completion of preparation and embalming. Pathological waste does not include the remains specified in Minnesota Statutes, section 145.1621 and such remains must be handled in accordance with that statute.

Subp. 4. [Repealed by amendment, 10 SR 2319]

Statutory Authority: *MS s 16A.128; 116.81; 144.12; 144.122; 149.05*

History: *10 SR 2319; 17 SR 2041*

ITEMIZATION AND AUTHORIZATION TO EMBALM**4610.2400 DEFINITIONS.**

Subpart 1. **Application.** For the purposes of parts 4610.0200 to 4610.2800, the words, terms, and phrases listed in this part shall have the meaning stated, unless the language and context clearly indicates that a different meaning is intended.

Subp. 1a. **Alternative container.** "Alternative container" means a rigid container other than a casket used for burial, cremation, or entombment of a dead human body.

Subp. 2. [Repealed, 10 SR 2319]

Subp. 3. **Cash advance item.** "Cash advance item" means any item of merchandise or service described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser's behalf. Cash advance items may include, but are not limited to, the following items: cemetery or crematory services, casket bearers, public transportation, clergy honoraria, flowers, musicians or singers, obituary notices, gratuities, and death certificates.

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. 4a. **Commissioner.** "Commissioner" means commissioner of the Department of Health.

Subp. 4b. **Cremaains.** "Cremaains" means the ashes of a dead human body.

Subp. 5. **Cremation.** "Cremation" 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. 6a. **Direct cremation.** "Direct cremation" means a disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.

Subp. 7. [Repealed, 10 SR 2319]

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 service.** "Funeral service" means the rites or ceremonies associated with the disposition of a dead human body with the body present.

Subp. 9a. **Funeral establishment.** "Funeral establishment" has the meaning given the term in Minnesota Statutes, section 149.08.

Subp. 9b. **Funeral goods.** "Funeral goods" means goods that are sold or offered for sale directly to the public for use in connection with funeral services.

Subp. 10. [Repealed, 10 SR 2319]

Subp. 10a. **Immediate burial.** "Immediate burial" means a disposition of human remains by burial, without formal viewing, visitation, or ceremony with the body present.

Subp. 10b. **Memorial service.** "Memorial service" means the rites or ceremonies without the body present.

Subp. 10c. **Outer burial container.** "Outer burial container" means a container that is designed for placement in the grave into which the casket is placed including, but not limited to, containers commonly known as burial vaults, grave boxes, and grave liners.

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

Subp. 12. **Professional services.** "Professional services" includes the provision of staff for arrangements, visitations, funeral, memorial service, final disposition, counseling, and administrative services such as securing and preparing necessary documents.

Subp. 12a. **Public transportation.** "Public transportation" means all forms of transportation available to the general public including airlines, buses, and rail.

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 public transportation 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, arrangement offices, and other administrative purposes; and

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

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.2500 ITEMIZATION OF FUNERAL COSTS.

At the time funeral arrangements are made 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, outer burial container, use of facilities for reviewal, use of facilities for funeral services, specifically itemized transportation costs, specifically itemized funeral goods, embalming, preparation of the body, other professional services, anticipated cash advances and expenditures, and if applicable, forwarding of remains, receiving of remains, immediate burials, and direct cremations. When cremation is 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 of funeral goods and services selected shall be given the person(s) making funeral arrangements. The contract shall be signed by 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 advance 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 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

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; 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 required by Minnesota law as provided by parts 4610.0800 to 4610.1600.

- 1) The deceased is to be sent out of state by public transportation,
- 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 16A.128 subd 2a; 144.12; 144.122; 149.05 subds 2,4*

History: *10 SR 2319*

4610.2800 FEES.

Subpart 1. **Generally.** Fees for registration, examination, and licenses under parts 4610.0200 to 4610.0600 are in subparts 2 and 3.

Subp. 2. **Mortuary science fees.** The following fees are mortuary science fees:

- A. trainee registration and renewal fee, \$25;
- B. examination fee, \$50;
- C. original license fee, \$40;
- D. license by endorsement, \$200;
- E. renewal fee, \$50; and
- F. renewal fee late charge, \$10.

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Subp. 3. **Funeral directors.** The following fees are funeral director fees:

- A. application fee, \$50;
- B. renewal fee, \$50; and
- C. renewal fee late charge, \$10.

Subp. 4. **Funeral establishments.** The following fees are funeral establishment fees:

- A. funeral establishment permit fee, \$135;
- B. renewal permit fee, \$135; and
- C. renewal permit late charge, \$15.

Statutory Authority: *MS s 16A.128 subd 2a; 144.12; 144.122; 149.04; 149.05 subds 2,4*

History: *10 SR 2319; 12 SR 846*