

## CHAPTER 149

### EMBALMERS

149.02 Examination; licensing.

149.05 Licenses; denial, suspension, revocation; certiorari; rules.

#### 149.02 EXAMINATION; LICENSING.

The state commissioner of health is hereby authorized and empowered to examine, upon submission of an application therefor and fee as prescribed by the commissioner pursuant to section 144.122, all applicants for license to practice mortuary science or funeral directing and to determine whether or not the applicants possess the necessary qualifications to practice mortuary science or funeral directing. If upon examination the commissioner shall determine that an applicant is properly qualified to practice mortuary science or funeral directing, he shall grant a license to the person to practice mortuary science or funeral directing. Licenses shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122.

On or after the thirty-first day of December, 1955, separate licenses as embalmer or funeral director shall not be issued, except that a license as funeral director shall be issued to those apprentices who have been registered under regulations of the commissioner as apprentice funeral directors on the first day of July, 1955, qualify by examination for licensure under such regulations as funeral directors before the first day of August, 1957. Such applicants shall file an application for license as a funeral director in the manner as is required in section 149.03 for a license in mortuary science. It shall be accompanied by a fee in an amount prescribed by the commissioner pursuant to section 144.122. However, a single license as a funeral director shall be issued to those persons whose custom, rites, or religious beliefs forbid the practice of embalming. An applicant for a single license as a funeral director under this exception shall submit to the commissioner of health two affidavits substantiating the beliefs and convictions of the applicant and shall meet any other standards for licensure as are required by law or by regulation of the commissioner. Such a funeral director shall only direct funerals for persons of his customs, rites or religious beliefs. In the case of a funeral conducted for persons of such customs, rites or religious beliefs where embalming and funeral directing is necessary according to law, such embalming and funeral directing shall be performed only by a person licensed to do so in this state.

All licensees who on the thirty-first day of December, 1955, hold licenses as embalmers only shall be granted licenses to practice mortuary science and may renew their licenses at the times and in the manner specified by the commissioner pursuant to section 144.122.

All licensees who on the thirty-first day of December, 1955, hold licenses as funeral director only may continue to renew their licenses at the times and in the manner specified by the commissioner pursuant to section 144.122. If a licensee fails to renew, as in this chapter required, his license as a funeral director shall not thereafter be reinstated.

To assist in the holding of the examination and enforcement of the provisions of this chapter, the commissioner shall establish a mortuary sciences advisory council to which he shall appoint four members. Two members shall be licensed in mortuary science and shall have had at least five years experience immediately

preceding their appointment in the preparation and disposition of dead human bodies and in the practice of mortuary science. A third member shall be a representative of the commissioner, and the fourth member shall be a full-time academic staff member of the course in mortuary science of the university of Minnesota. The terms, compensation and removal of members and expiration of the council shall be as provided in section 15.059.

**History:** 1983 c 260 s 37

**149.05 LICENSES; DENIAL, SUSPENSION, REVOCATION; CERTIORARI; RULES.**

*[For text of subds 1 and 2, see M.S.1982]*

Subd. 3. **Review.** Any action of the commissioner in refusing to grant or renew a license or in suspending or revoking a license is subject to review in accordance with chapter 14.

*[For text of subd 4, see M.S.1982]*

**History:** 1983 c 247 s 63