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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2179

03/07/2019 Authored by Huot, Elkins, Bahr, Morrison and Edelson
The bill was read for the first time and referred to the Committee on Health and Human Services Policy
03/04/2020 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to mortuary science; clarifying an exception to licensure regarding casket
1.3 and urn sales; amending Minnesota Statutes 2018, section 149A.01, subdivision
1.4 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 149A.01, subdivision 3, is amended to read:

1.7 Subd. 3. Exceptions to licensure. (a) Except as otherwise provided in this chapter,
1.8 nothing in this chapter shall in any way interfere with the duties of:

1.9 (1) an anatomical bequest program located within an accredited school of medicine or
1.10 an accredited college of mortuary science;

1.11 (2) a person engaged in the performance of duties prescribed by law relating to the
1.12 conditions under which unclaimed dead human bodies are held subject to anatomical study;

1.13 (3) authorized personnel from a licensed ambulance service in the performance of their
1.14 duties;

1.15 (4) licensed medical personnel in the performance of their duties; or

1.16 (5) the coroner or medical examiner in the performance of the duties of their offices.

1.17 (b) This chapter does not apply to or interfere with the recognized customs or rites of
1.18 any culture or recognized religion in the ceremonial washing, dressing, casketing, and public
1.19 transportation of their dead, to the extent that all other provisions of this chapter are complied
1.20 with.

2.1 (c) Noncompensated persons with the right to control the dead human body, under section
2.2 149A.80, subdivision 2, may remove a body from the place of death; transport the body;
2.3 prepare the body for disposition, except embalming; or arrange for final disposition of the
2.4 body, provided that all actions are in compliance with this chapter.

2.5 (d) Persons serving internships pursuant to section 149A.20, subdivision 6, or students
2.6 officially registered for a practicum or clinical through a program of mortuary science
2.7 accredited by the American Board of Funeral Service Education are not required to be
2.8 licensed, provided that the persons or students are registered with the commissioner and act
2.9 under the direct and exclusive supervision of a person holding a current license to practice
2.10 mortuary science in Minnesota.

2.11 (e) Notwithstanding this subdivision, nothing in this section shall be construed to prohibit
2.12 an institution or entity from establishing, implementing, or enforcing a policy that permits
2.13 only persons licensed by the commissioner to remove or cause to be removed a dead body
2.14 or body part from the institution or entity.

2.15 (f) An unlicensed person may arrange for and direct or supervise a memorial service if
2.16 that person or that person's employer does not have charge of the dead human body. An
2.17 unlicensed person may not take charge of the dead human body, unless that person has the
2.18 right to control the dead human body under section 149A.80, subdivision 2, or is that person's
2.19 noncompensated designee.

2.20 (g) This chapter does not apply to the sale of caskets or urns by individuals, retailers, or
2.21 wholesalers, and does not apply to unlicensed persons who make caskets or urns for the
2.22 unlicensed person's personal use.