

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1665

(SENATE AUTHORS: WEBER)

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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to health; establishing qualifications for cremator operators who perform
1.3 cremations; modifying the duties of the commissioner of health; amending
1.4 Minnesota Statutes 2016, sections 149A.02, by adding a subdivision; 149A.03;
1.5 149A.04, subdivision 2; proposing coding for new law in Minnesota Statutes,
1.6 chapter 149A.

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

1.8 Section 1. Minnesota Statutes 2016, section 149A.02, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 11a. **Cremator operator.** "Cremator operator" means a person who performs
1.11 cremations at a licensed funeral establishment or licensed crematory.

1.12 **EFFECTIVE DATE.** This section is effective August 1, 2017.

1.13 Sec. 2. Minnesota Statutes 2016, section 149A.03, is amended to read:

1.14 **149A.03 DUTIES OF COMMISSIONER.**

1.15 The commissioner shall:

1.16 (1) enforce all laws and adopt and enforce rules relating to the:

1.17 (i) removal, preparation, transportation, arrangements for disposition, and final disposition
1.18 of dead human bodies;

1.19 (ii) licensure and professional conduct of funeral directors, morticians, interns, practicum
1.20 students, and clinical students;

1.21 (iii) licensing and operation of a funeral establishment;

- 2.1 (iv) licensing and operation of an alkaline hydrolysis facility; ~~and~~
- 2.2 (v) licensing and operation of a crematory; and
- 2.3 (vi) qualifications of cremator operators;
- 2.4 (2) provide copies of the requirements for licensure and permits to all applicants;
- 2.5 (3) administer examinations and issue licenses and permits to qualified persons and other
- 2.6 legal entities;
- 2.7 (4) maintain a record of the name and location of all current licensees and interns;
- 2.8 (5) perform periodic compliance reviews and premise inspections of licensees;
- 2.9 (6) accept and investigate complaints relating to conduct governed by this chapter;
- 2.10 (7) maintain a record of all current preneed arrangement trust accounts;
- 2.11 (8) maintain a schedule of application, examination, permit, and licensure fees, initial
- 2.12 and renewal, sufficient to cover all necessary operating expenses;
- 2.13 (9) educate the public about the existence and content of the laws and rules for mortuary
- 2.14 science licensing and the removal, preparation, transportation, arrangements for disposition,
- 2.15 and final disposition of dead human bodies to enable consumers to file complaints against
- 2.16 licensees and others who may have violated those laws or rules;
- 2.17 (10) evaluate the laws, rules, and procedures regulating the practice of mortuary science
- 2.18 in order to refine the standards for licensing and to improve the regulatory and enforcement
- 2.19 methods used; ~~and~~
- 2.20 (11) initiate proceedings to address and remedy deficiencies and inconsistencies in the
- 2.21 laws, rules, or procedures governing the practice of mortuary science and the removal,
- 2.22 preparation, transportation, arrangements for disposition, and final disposition of dead
- 2.23 human bodies; and
- 2.24 (12) approve certification organizations for cremator operators.

2.25 **EFFECTIVE DATE.** Clause (12) is effective August 1, 2017. Clause (1), item (vi), is

2.26 effective January 1, 2018.

2.27 Sec. 3. Minnesota Statutes 2016, section 149A.04, subdivision 2, is amended to read:

2.28 Subd. 2. **Inspections.** The regulatory agency or a designee of the regulatory agency shall

2.29 conduct initial licensure inspections and corrective order reinspections. As a condition of

2.30 continued licensure, compliance reviews or premises inspections of licensees shall be

3.1 conducted by the regulatory agency or a designee of the regulatory agency at least biennially.
3.2 In a compliance review or premises inspection conducted as a condition of initial licensure
3.3 or continued licensure or in a corrective order reinspection, the regulatory agency or designee
3.4 shall review the documentation of qualifications for all cremator operators employed at the
3.5 premises to ensure the cremator operators meet the qualifications requirements in section
3.6 149A.56. A compliance review or an inspection of the premises of any person subject to
3.7 regulation under this chapter may also be conducted when the regulatory agency reasonably
3.8 suspects that there may be a violation or a threat of a violation of any law now in force or
3.9 later enacted, rule, order, stipulation agreement, settlement, compliance agreement, license,
3.10 or permit issued by the regulatory agency. When possible, all inspections and compliance
3.11 reviews shall be conducted without prior notice to the subject of the inspection or review
3.12 and shall be performed in the presence of the subject of the inspection or review or an
3.13 authorized representative of the subject of the inspection or review.

3.14 **EFFECTIVE DATE.** This section is effective January 1, 2018.

3.15 Sec. 4. **[149A.56] CREMATOR OPERATOR QUALIFICATIONS.**

3.16 Subdivision 1. **Qualifications required.** In order to perform cremations, a person must
3.17 satisfy the qualifications requirements in subdivision 2 or 3.

3.18 Subd. 2. **Qualifications.** (a) Before practicing as a cremator operator, a person must
3.19 provide documentation to the licensee employing the person that the person:

3.20 (1) is at least 18 years of age;

3.21 (2) has actively participated in the performance of at least ten cremations that are
3.22 performed under the direct supervision of a cremator operator qualified under this subdivision
3.23 or subdivision 3;

3.24 (3) has completed, within the year before beginning practice as a cremator operator, a
3.25 course or training program on occupational exposure to bloodborne pathogens that meets
3.26 the requirements of Code of Federal Regulations, title 29, section 1910.1030(g)(2); and

3.27 (4) within the year before beginning practice as a cremator operator, obtained certification,
3.28 from an organization approved by the commissioner, that demonstrates the person's
3.29 knowledge of how to perform cremations.

3.30 (b) As a condition of continued practice as a cremator operator after satisfying the
3.31 requirements in paragraph (a), a person must provide documentation to the licensee
3.32 employing the person that:

4.1 (1) once in each five years of practice as a cremator operator, the person has obtained
4.2 or renewed certification as specified in paragraph (a), clause (4); and

4.3 (2) at least once each year the person practiced as a cremator operator, the person
4.4 completed a course or training program on occupational exposure to bloodborne pathogens
4.5 that meets the requirements of Code of Federal Regulations, title 29, section 1910.1030(g)(2).

4.6 Subd. 3. **Grandfathering period for certain certified personnel.** A person who, as of
4.7 January 1, 2018, holds a certification to perform cremations issued by any national, regional,
4.8 or state organization, is deemed qualified to perform cremations and may perform cremations
4.9 under that certification through December 31, 2022. Between January 1, 2018, and December
4.10 31, 2022, a person practicing under this subdivision must annually complete a course or
4.11 training program on occupational exposure to bloodborne pathogens that meets the
4.12 requirements of Code of Federal Regulations, title 29, section 1910.1030(g)(2). A person
4.13 practicing under this subdivision must provide, to the licensee employing the person,
4.14 documentation of certification and of annual completion of the course or training program
4.15 on occupational exposure to bloodborne pathogens. No later than January 1, 2023, a person
4.16 performing cremations under this subdivision must satisfy the qualifications requirements
4.17 in subdivision 2, paragraph (a), to be eligible to perform cremations on or after that date.

4.18 Subd. 4. **Documentation of qualifications maintained onsite.** A licensed funeral
4.19 establishment at which cremations are performed or a licensed crematory at which cremations
4.20 are performed must:

4.21 (1) maintain documentation onsite that all employees who are cremator operators satisfy
4.22 the qualifications and training requirements of this section; and

4.23 (2) make that documentation available to the commissioner for examination as part of
4.24 a premises inspection, compliance review, or corrective order reinspection of the facility.

4.25 **EFFECTIVE DATE.** This section is effective January 1, 2018.