

mine whether such petition is signed by the required number of free-holders and shall certify such fact thereon and such certificate shall be conclusive evidence thereof in any action or proceeding for the recovery of the costs, charges and expenses of any examination made pursuant to such petition.

Section 2. This act shall take effect and be in force from and after its passage.

Approved April 24, 1937.

CHAPTER 416—S. F. No. 523

An act to regulate the calling for bids by municipalities, and providing for the preparation of specifications.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Bids for purchase of supplies.**—Whenever any county, township, city, borough, village or school district in this state calls for bids for the purchase of any supplies or equipment, no bid submitted shall be accepted unless competitive bids have also been submitted.

Section 2. **Bids shall not be exclusive.**—Specifications for supplies and equipment shall not be so prepared as to exclude all but one type or kind but shall include competitive supplies and equipment.

Section 3. **Application of act.**—The provisions of this act shall not apply to non-competitive types and kinds of supplies and equipment.

Section 4. **Violation a gross misdemeanor.**—The violation of any of the provisions of this act shall be a gross misdemeanor.

Approved April 24, 1937.

CHAPTER 417—H. F. No. 505

An act to amend Mason's Minnesota Statutes of 1927, Sections 5817, 5818, 5819, 5820, 5821 and 5822, relating to the business or practice of embalming and/or funeral directing, the regulation thereof, and the licensing and registration of persons engaged therein; and

providing for the appointment of a committee of examiners by the State Board of Health.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 5817, be amended so as to read as follows:

"5817. License required—what constitutes practice of embalming.—No person shall embalm any dead human body or practice embalming, *direct or supervise funerals* in the State of Minnesota without being licensed by the State Board of Health, *except* as hereinafter provided.

For the purposes of this Act, the following definitions shall be adopted and understood to be included within the meaning of this Act:

(a) *Any person who shall embalm dead human bodies, or who shall take charge of the remains of those dead of any communicable disease, or prepare dead human bodies for shipment, or hold himself out to do any of the above acts by advertising or any other means, shall be defined, as and construed to be practicing embalming;*

(b) *Any person who engages for compensation in the following practices, to-wit: directing or supervising funerals, or the business or practice of preparing dead human bodies for burial by means other than embalming, or the disposition of dead human bodies, or the provision or maintenance of a place for the preparation for disposition or for the care or disposition of dead human bodies, or the use in connection with such business of the word or term "funeral director", "undertaker", "mortician", or any other word or term from which can be implied the business of funeral directing, or the holding out to the public that one is a funeral director, shall be defined as and construed to be practicing funeral directing, provided, however, that the word "person" as used herein shall apply only to a natural person.*

(c) *An "embalmer" is any person who has secured a license to engage in the practices hereinbefore set forth;*

(d) *A "funeral director" is any person who has secured a license to engage in the practices hereinbefore set forth;*

(e) *An "apprentice funeral director" is any person engaged in the learning of the practice of funeral directing under the instruction and personal supervision of a duly licensed and registered funeral director under the provisions of this Act; provided, that no persons shall serve or attempt to serve as such apprentice funeral director under any such funeral director until he has filed a registration thereof with the board;*

(f) *An "apprentice embalmer" is any person engaged in the learning of the practice of embalming under the instruction and personal supervision of a duly licensed and registered embalmer under the provisions of this Act; provided, however, that no person shall serve or attempt to serve as such apprentice embalmer under any such embalmer until he has filed a registration thereof with the board;*

(g) *An apprentice funeral director and/or embalmer may serve his apprenticeship concurrently under the direction and instruction of any person duly licensed and registered as an embalmer and/or funeral director under the provisions of this Act, provided that such concurrent apprenticeship shall not be served unless such apprentice has filed a registration thereof with the board."*

Section 2. Law amended.—That Mason's Minnesota Statutes of 1927, Section 5818, be amended so as to read as follows:

"5818. Examination by state board of health—license.—The State Board of Health of the State of Minnesota is hereby authorized and empowered to examine all applicants for license to practice embalming and/or funeral directing, and to determine whether or not such applicants possess the necessary qualifications to practice embalming, and/or funeral directing; and, if upon such examination, said board shall determine that such applicant is properly qualified to practice embalming and/or funeral directing, it shall grant a license or licenses to such person to practice embalming and/or funeral directing for a period ending the 31st day of December following; provided that licenses as embalmers and licenses as funeral directors shall be issued separately.

To assist the board in the holding of such examination and enforcement of the provisions of this act, such board shall appoint three examiners, of whom two shall be licensed as embalmers and funeral directors who have had at least five years' experience immediately preceding appointment, in the preparation and disposition of dead human bodies and in the practice of embalming, and the third a representative of the board, to be known and designated as a "Committee of Examiners", to serve for one, two and three years respectively, and thereafter each for a term of three years and until their successors qualify. Vacancies in such committee shall be filled by like appointments for unexpired terms, and members thereof may be removed by the board for cause. Each member shall receive such sum per diem, and be reimbursed his necessary expenses for each day of actual service rendered, as the board may determine by its order."

Section 3. Law amended.—That Mason's Minnesota Statutes of 1927, Section 5819, be amended so as to read as follows:

"5819. Licenses — fees — qualifications of applicants.—*The applicant for an examination for license as an embalmer and/or funeral director shall make application therefor in writing, verified on a form prescribed as to details and furnished by the board. Such application shall be accompanied by affidavits from at least two reputable residents of the county in which the applicant resides or proposes to carry on the practice of embalming and/or funeral directing, certifying that the applicant is of good moral character, and a fee of ten (\$10.00) dollars. No person shall be granted any such license unless he shall be twenty-one (21) years of age, and of good moral character and temperate habits; and has had at least one year of apprenticeship experience in embalming for an embalmer's license, and at least two years' apprenticeship experience in funeral directing for a funeral director's license; and such sufficient knowledge, experience and training as the board may determine to properly qualify as an embalmer and/or funeral director. Provided that any holder of a license issued by state authority in any other state maintaining a system and standard of examination for license to engage in the business or practice of embalming and/or funeral directing, which in the judgment of the board shall be substantially the equivalent of that required in this state for the issuance of a license therefor, may obtain a license from the board without examination in the discretion of the board upon payment of an application fee of twenty-five (\$25.00) dollars and upon proof of good moral character, temperate habits and practical experience, which said license shall be valid only until the following 31st day of December.*

Every apprentice shall register with the board annually, in such manner as may be provided by the board, and shall pay a registration fee of one (\$1.00) dollar. The secretary of the board shall keep a separate register for apprentices, stating their names, ages, residences, where they attended school, the licensed embalmer and/or funeral directors with whom they were associated, and such other information as the board may require.

The board may license as assistant funeral directors, with or without examination, one or more assistants of funeral directors who are licensed under the provisions of this Act, upon payment of an assistant funeral director's license fee of one (\$1.00) dollar. Before issuing a license to an assistant funeral director, the board shall require satisfactory proof that said applicant is capable and trustworthy to act as an assistant funeral director. Such assistant funeral directors shall be licensed and registered as assistants of designated licensed funeral directors.

All persons who have been engaged in the business or practice of a funeral director in this state at a fixed place or establishment three months or more prior to the passage of this Act, and have not been heretofore licensed, shall within ninety days after the passage of this

Act make application in writing to the board for a license as a funeral director in the manner and form provided in this Act. Upon satisfactory proof that such applicant is of good moral character and temperate habits, and has sufficient knowledge, training and experience to properly conduct the business or practice of funeral directing in all its phases, evidenced by the affidavits of two or more reputable citizens who reside in the community in which the applicant practices or has practiced, the board shall issue without further examination to such applicant a license as a funeral director upon the payment of a fee of four dollars."

Section 4. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 5820, be amended so as to read as follows:

"5820. **Same—renewal—fee for.**—Any license may be renewed from time to time and shall be in force after such renewal for a period of one (1) year from the 31st day of the preceding December upon the payment of a renewal fee of four (\$4.00) dollars for a funeral director's license, and one (\$1.00) dollar for an embalmer's license. *Provided, that all licenses to practice embalming in force at the time of the passage of this Act and which licenses are dated to expire on any date of any month in any year other than December 31st, shall be continued in full force and effect until December 31st of the year in which such license is dated to expire, and the holder of such license shall not be required to pay any additional renewal fee for such license period extension.*

All fees received under this Act, shall be paid by the State Board of Health to the State Treasurer, and an amount of money equal to the amount so paid over by the said board to the said treasurer is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to said board for the purpose of carrying out the provisions of this Act. The salaries of the necessary employees of the board, and the per diem of the inspectors and examiners hereinbefore provided, their expenses and all incidental expenses of said board in carrying out the provisions of this Act, shall be paid on order of the board from such appropriation but no expense or claim shall be incurred or paid in excess of the amount received from the fees herein provided."

Section 5. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 5821, be amended so as to read as follows:

"5821. **Revocation.**—*The Board may refuse to grant, refuse to renew, or may suspend or revoke a license of any applicant or licensee for the following causes or acts:*

(a) *The obtaining of, or attempt to obtain, a license by fraudulent representation;*

(b) *Conviction of a crime involving moral turpitude;*

(c) *Violation of the laws of this state relative to the burial or disposal of dead human bodies, or of the rules and regulations of the board in relation to the care, custody or disposition of dead human bodies, or the disinfecting of premises where contagion exists;*

(d) *For incompetency or untrustworthiness in the practice of embalming and/or funeral directing;*

(e) *The use of misleading advertising;*

(f) *Upon satisfactory proof that the embalmer and/or funeral director, directly or indirectly, has paid or caused to be paid any sum of money or other valuable consideration for the securing of business or for obtaining authority to dispose of any dead human body;*

(g) *Upon satisfactory proof that an embalmer and/or funeral director has employed any person not registered or licensed under the provisions of this Act to perform the duties of an embalmer and/or funeral director.*

Any action of the board in refusing to grant or renew a license, or in suspending or revoking a license, may be subject to review by a writ of certiorari issued in the District Court of any County.

The board shall make and enforce all necessary rules and regulations not inconsistent with the provisions of this Act for the examination and licensing of embalmers and/or funeral directors, and the registration and regulation of apprentices, and the investigation and hearing for the refusal to renew, suspension or revocation of licenses."

Section 6. **Law amended.**—That Mason's Minnesota Statutes of 1927, Section 5822, be amended so as to read as follows:

"5822. **Penalties for violation.**—Any person who shall embalm a dead human body, or who shall hold himself out as an embalmer and/or funeral director or as an apprentice as herein defined, or as an assistant funeral director, without being licensed or registered as herein provided shall be guilty of a misdemeanor, and punished accordingly. *Provided that this Act shall not apply to or 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 embalming, or to any person engaged in the performance of duties prescribed by law relating to the conditions under which the indigent dead human bodies are held subject to anatomical study, or to the custom or rites of any religious sect in the burial of their*

dead. *Provided, further, that in the event any provision of this Act, or the application thereof to any person or circumstances, shall be declared invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.*"

Nothing in this Act shall in any way affect the operation of corporations or burial associations, providing all work of embalming or funeral directing is done by licensed embalmers and/or funeral directors as provided herein. It shall be unlawful for any such corporation or burial association to:

(a) *Violate any of the laws of this state relative to the burial or disposal of dead human bodies, or any of the rules and regulations of the board in relation to the care, custody or disposition of dead human bodies, or the disinfecting of premises where contagion exists;*

(b) *Publish or disseminate misleading advertising;*

(c) *Directly or indirectly pay or cause to be paid any sum of money or other valuable consideration for the securing of business, other than by advertising, or for obtaining authority to dispose of any dead human bodies;*

(d) *Permit unlicensed persons to render or perform any of the services required to be performed by persons licensed under the provisions of this Act.*

Any corporation or burial association violating any of the provisions of this Act shall be deemed guilty of a misdemeanor.

Nothing in this act shall be construed as repealing any of the laws of this State in regard to organizing and/or incorporating of Cooperative Associations."

Approved April 24, 1937.

CHAPTER 418—S. F. No. 497

An act to amend Extra Session Laws of 1933-34, Chapter 46, Section 12, relating to the sale of intoxicating liquors for medicinal purposes.

Be it enacted by the Legislature of the State of Minnesota: