

**CHAPTER 114—S.F.No. 802**

*An act relating to health; changing provisions dealing with mortuary science; amending Minnesota Statutes 2006, sections 149A.01, subdivisions 2, 3; 149A.02, subdivisions 2, 8, 11, 12, 13, 16, 33, 34, by adding subdivisions; 149A.03; 149A.20, subdivisions 1, 4, 6; 149A.40, subdivision 11; 149A.45, by adding subdivisions; 149A.50, subdivisions 2, 4; 149A.52, subdivision 4, by adding a subdivision; 149A.53, by adding a subdivision; 149A.63; 149A.70, subdivisions 1, 3, 5, 5a, 6, 7, 8, 9; 149A.71, subdivisions 2, 4; 149A.72, subdivision 4; 149A.74, subdivision 1; 149A.80, subdivisions 1, 2; 149A.90, subdivisions 1, 3, 4, 5, 6, 7, 8; 149A.91, subdivisions 2, 3, 5, 6, 10; 149A.92, subdivisions 2, 6; 149A.93, subdivisions 1, 2, 3, 4, 6, 8, by adding a subdivision; 149A.94, subdivisions 1, 3; 149A.95, subdivisions 2, 4, 6, 7, 9, 13, 14, 15, 20, by adding a subdivision; 149A.96, subdivision 1; repealing Minnesota Statutes 2006, sections 149A.93, subdivision 9; 149A.94, subdivision 2.*

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

Section 1. Minnesota Statutes 2006, section 149A.01, subdivision 2, is amended to read:

Subd. 2. **Scope.** In Minnesota no person shall, without being licensed by the commissioner of health:

- (1) take charge of, or remove from the place of death, ~~or transport~~ a dead human body;
- (2) prepare a dead human body for final disposition, in any manner; or
- (3) arrange, direct, or supervise a funeral, memorial service, or graveside service.

Sec. 2. Minnesota Statutes 2006, section 149A.01, subdivision 3, is amended to read:

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

- (1) ~~an officer of any public institution;~~
- (2) ~~an officer of a medical college, county medical society, anatomical association, or an anatomical bequest program located within an accredited school of medicine or an accredited college of mortuary science;~~
- (3) ~~a donee of an anatomical gift;~~
- (4) (2) a person engaged in the performance of duties prescribed by law relating to the conditions under which unclaimed dead human bodies are held subject to anatomical study;
- (5) (3) authorized personnel from a licensed ambulance service in the performance of their duties;

~~(6)~~ (4) licensed medical personnel in the performance of their duties; or

~~(7)~~ (5) the coroner or medical examiner in the performance of the duties of their offices.

(b) This chapter does not apply to or interfere with the recognized customs or rites of any culture or recognized religion in the final disposition ceremonial washing, dressing, and casketing of their dead, to the extent that ~~the~~ all other provisions of this chapter are inconsistent with the customs or rites complied with.

~~(c) Noncompensated persons related by blood, adoption, or marriage to a decedent who chose to remove a body of a decedent from the place of death, transport the body, prepare the body for disposition, except embalming, or arrange for final disposition of the body are not required to be licensed, with the right to control the dead human body may remove a body from the place of death; transport the body; prepare the body for disposition, except embalming; or arrange for final disposition of the body, provided that all actions are in compliance with this chapter.~~

~~(d) Noncompensated persons acting pursuant to the lawful directive of a decedent who remove a body of the decedent from the place of death, transport the body, prepare the body for disposition, except embalming, or arrange for final disposition of the body are not required to be licensed, provided that all actions are otherwise in compliance with this chapter.~~

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

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

~~(f) An unlicensed person may arrange for and direct or supervise a memorial service after final disposition of the dead human body has taken place. An unlicensed person may not take charge of the dead human body, however an unlicensed person may arrange for and direct or supervise a memorial service before final disposition of the dead human body has taken place.~~

Sec. 3. Minnesota Statutes 2006, section 149A.02, subdivision 2, is amended to read:

Subd. 2. **Alternative container.** "Alternative container" means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of dead human bodies and is made of corrugated cardboard, fiberboard, pressed-wood, composition materials, with or without an outside covering, or other like materials.

Sec. 4. Minnesota Statutes 2006, section 149A.02, is amended by adding a subdivision to read:

Subd. 5a. **Clinical student.** "Clinical student" means a person officially registered for a clinical through a program of mortuary science accredited by the American Board of Funeral Service Education.

Sec. 5. Minnesota Statutes 2006, section 149A.02, subdivision 8, is amended to read:

Subd. 8. **Cremated remains container.** "Cremated remains container" means a receptacle in which postcremation remains are placed. For purposes of this chapter, "cremated remains container" is interchangeable with "urn" or similar keepsake storage jewelry.

Sec. 6. Minnesota Statutes 2006, section 149A.02, subdivision 11, is amended to read:

Subd. 11. **Cremation container.** "Cremation container" means a combustible, closed container ~~resistant to the leakage of bodily fluids into which~~ that encases the body and can be made of materials like fiberboard, or corrugated cardboard and into which a dead human body is placed prior to insertion into a cremation chamber for cremation. Cremation containers may be combustible "alternative containers" or combustible "caskets."

Sec. 7. Minnesota Statutes 2006, section 149A.02, subdivision 12, is amended to read:

Subd. 12. **Crematory.** "Crematory" means a building or structure containing one or more cremation chambers or retorts for the cremation of dead human bodies ~~or any person that performs cremations.~~

Sec. 8. Minnesota Statutes 2006, section 149A.02, subdivision 13, is amended to read:

Subd. 13. **Direct cremation.** "Direct cremation" means a final disposition of a dead human body by cremation, without formal viewing, visitation, or ceremony with the body present.

Sec. 9. Minnesota Statutes 2006, section 149A.02, is amended by adding a subdivision to read:

Subd. 13a. **Direct supervision.** "Direct supervision" means overseeing the performance of an individual. For the purpose of a clinical, practicum, or internship, direct supervision means that the supervisor is available to observe and correct, as needed, the performance of the trainee. The mortician supervisor is accountable for the actions of the clinical student, practicum student, or intern throughout the course of the training. The supervising mortician is accountable for any violations of law or rule, in the performance of their duties, by the clinical student, practicum student, or intern.

Sec. 10. Minnesota Statutes 2006, section 149A.02, subdivision 16, is amended to read:

Subd. 16. **Final disposition.** "Final disposition" means the acts leading to and the entombment, burial in a cemetery, or cremation of a dead human body.

Sec. 11. Minnesota Statutes 2006, section 149A.02, subdivision 33, is amended to read:

Subd. 33. **Practicum student.** "Practicum student" means a person officially registered for a practicum through ~~an~~ a program of mortuary science accredited ~~college or university or a college of funeral service education accredited~~ by the American Board of Funeral Service Education.

Sec. 12. Minnesota Statutes 2006, section 149A.02, subdivision 34, is amended to read:

Subd. 34. **Preparation of the body.** "Preparation of the body" means embalming of the body or such items of care as washing, disinfecting, shaving, positioning of features, restorative procedures, ~~care of hair~~, application of cosmetics, dressing, and casketing.

Sec. 13. Minnesota Statutes 2006, section 149A.02, is amended by adding a subdivision to read:

Subd. 37b. **Refrigeration.** "Refrigeration" means to preserve by keeping cool at a temperature of 40 degrees Fahrenheit or less using mechanical or natural means.

Sec. 14. Minnesota Statutes 2006, section 149A.03, is amended to read:

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

The commissioner shall:

- (1) enforce all laws and adopt and enforce rules relating to the:
  - (i) removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies;
  - (ii) licensure and professional conduct of funeral directors, morticians, ~~and~~ interns, practicum students, and clinical students;
  - (iii) licensing and operation of a funeral establishment; and
  - (iv) licensing and operation of a crematory;
- (2) provide copies of the requirements for licensure and permits to all applicants;
- (3) administer examinations and issue licenses and permits to qualified persons and other legal entities;
- (4) maintain a record of the name and location of all current licensees and interns;
- (5) perform periodic compliance reviews and premise inspections of licensees;
- (6) accept and investigate complaints relating to conduct governed by this chapter;
- (7) maintain a record of all current preneed arrangement trust accounts;
- (8) maintain a schedule of application, examination, permit, and licensure fees, initial and renewal, sufficient to cover all necessary operating expenses;
- (9) educate the public about the existence and content of the laws and rules for mortuary science licensing and the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies to enable consumers to file complaints against licensees and others who may have violated those laws or rules;
- (10) evaluate the laws, rules, and procedures regulating the practice of mortuary science in order to refine the standards for licensing and to improve the regulatory and enforcement methods used; and
- (11) initiate proceedings to address and remedy deficiencies and inconsistencies in the laws, rules, or procedures governing the practice of mortuary science and the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies.

Sec. 15. Minnesota Statutes 2006, section 149A.20, subdivision 1, is amended to read:

Subdivision 1. **License required.** Except as provided in section 149A.01, subdivision 3, any person who takes charge of ~~or~~ removes from the place of death, ~~or transports~~ a dead human body, or prepares a dead human body for final disposition in any manner, or arranges, directs, or supervises a funeral, memorial service, or graveside service must possess a valid license to practice mortuary science issued by the commissioner. A funeral establishment may provide a nonlicensed individual to direct or supervise a memorial service provided they disclose that information to the person or persons with the authority to make the funeral arrangement as provided in section 149A.80.

Sec. 16. Minnesota Statutes 2006, section 149A.20, subdivision 4, is amended to read:

Subd. 4. **Educational requirements.** ~~(a) Effective on January 1, 1999,~~ The person shall have:

(1) received a bachelor of science degree with a major in mortuary science from an accredited college or university;

(2) received a bachelor of science or arts degree from an accredited college or university and completed a separate course of study in mortuary science from a college of funeral service education accredited by the American Board of Funeral Service Education; or

(3) completed credit hours at accredited colleges or universities that in the numerical aggregate and distribution are the functional equivalent of a bachelor of arts or science degree and have completed a separate course of study in mortuary science from a ~~college of funeral service education~~ program of mortuary science accredited by the American Board of Funeral Service Education.

~~(b) In the interim, from July 1, 1997, to December 31, 1998, the educational requirements for initial licensure shall be:~~

~~(1) successful completion of at least 60 semester credit hours or 90 quarter credit hours at an accredited college or university with the following minimum credit distribution:~~

~~(i) communications, including speech and English, 12 quarter hours or nine semester hours;~~

~~(ii) social science, including an introductory course in sociology and psychology, 20 quarter hours or 12 semester hours;~~

~~(iii) natural science, including general or inorganic chemistry and biology, 20 quarter hours or 12 semester hours;~~

~~(iv) health education, including personal or community health, three quarter hours or two semester hours; and~~

~~(v) elective areas, 35 quarter hours or 25 semester hours; and~~

~~(2) successful completion of a separate course of study in mortuary science from a college of funeral service education accredited by the American Board of Funeral Service Education.~~

Sec. 17. Minnesota Statutes 2006, section 149A.20, subdivision 6, is amended to read:

Subd. 6. **Internship.** (a) A person who attains a passing score on both examinations in subdivision 5 must complete a registered internship under the direct supervision of an individual currently licensed to practice mortuary science in Minnesota. Interns must file with the commissioner:

(1) the appropriate fee; and

(2) a registration form indicating the name and home address of the intern, the date the internship begins, and the name, license number, and business address of the supervising mortuary science licensee.

(b) Any changes in information provided in the registration must be immediately reported to the commissioner. The internship shall be a minimum of one calendar year and a maximum of three calendar years in duration; however, the commissioner may waive up to three months of the internship time requirement upon satisfactory completion of ~~the~~ a clinical or practicum in mortuary science administered through the program of mortuary science of the University of Minnesota or a substantially similar program. Registrations must be renewed on an annual basis if they exceed one calendar year. During the internship period, the intern must be under the direct ~~and exclusive~~ supervision of a person holding a current license to practice mortuary science in Minnesota. An intern may be registered under only one licensee at any given time and may be directed and supervised only by the registered licensee. The registered licensee shall have only one intern registered at any given time. The commissioner shall issue to each registered intern a registration permit that must be displayed with the other establishment and practice licenses. While under the direct ~~and exclusive~~ supervision of the licensee, the intern must actively participate in the embalming of at least 25 dead human bodies and in the arrangements for and direction of at least 25 funerals. Case reports, on forms provided by the commissioner, shall be completed by the intern, signed by the supervising licensee, and filed with the commissioner for at least 25 embalmings and funerals in which the intern participates. Information contained in these reports that identifies the subject or the family of the subject embalmed or the subject or the family of the subject of the funeral shall be classified as licensing data under section 13.41, subdivision 2.

Sec. 18. Minnesota Statutes 2006, section 149A.40, subdivision 11, is amended to read:

Subd. 11. **Continuing education.** ~~The commissioner may, upon presentation of an appropriate program of continuing education developed by the Minnesota Funeral Directors Association,~~ require continuing education hours for renewal of a license to practice mortuary science.

Sec. 19. Minnesota Statutes 2006, section 149A.45, is amended by adding a subdivision to read:

Subd. 6. **Fees.** The renewal fees shall be paid to the commissioner of finance and shall be credited to the state government special revenue fund in the state treasury.

Sec. 20. Minnesota Statutes 2006, section 149A.45, is amended by adding a subdivision to read:

Subd. 7. **Reinstatement.** After one year a person who registers under this section may reapply meeting current requirements for licensure listed in section 149A.20.

Sec. 21. Minnesota Statutes 2006, section 149A.50, subdivision 2, is amended to read:

Subd. 2. **Requirements for funeral establishment.** A funeral establishment licensed under this section must ~~contain~~:

- (1) contain a preparation and embalming room as described in section 149A.92; ~~and~~
- (2) contain office space for making arrangements; and
- (3) comply with applicable local and state building codes, zoning laws, and ordinances.

Sec. 22. Minnesota Statutes 2006, section 149A.50, subdivision 4, is amended to read:

Subd. 4. **Nontransferability of license.** A license to operate a funeral establishment is not assignable or transferable and shall not be valid for any person other than the one named. Each license issued to operate a funeral establishment is valid only for the location identified on the license. A 50 percent or more change in ownership or location of the funeral establishment automatically terminates the license. Separate licenses shall be required of two or more persons or other legal entities operating from the same location.

Sec. 23. Minnesota Statutes 2006, section 149A.52, subdivision 4, is amended to read:

Subd. 4. **Nontransferability of license.** A license to operate a crematory is not assignable or transferable and shall not be valid for any person other than the one named. Each license issued to operate a crematory is valid only for the location identified on the license. A 50 percent or more change in ownership or location of the crematory automatically terminates the license. Separate licenses shall be required of two or more persons or other legal entities operating from the same location.

Sec. 24. Minnesota Statutes 2006, section 149A.52, is amended by adding a subdivision to read:

Subd. 5a. **Initial licensure and inspection fees.** The licensure and inspection fees shall be paid to the commissioner of finance and shall be credited to the state government special revenue fund in the state treasury.

Sec. 25. Minnesota Statutes 2006, section 149A.53, is amended by adding a subdivision to read:

Subd. 9. **Renewal and reinspection fees.** The renewal and reinspection fees shall be paid to the commissioner of finance and shall be credited to the state government special revenue fund in the state treasury.

Sec. 26. Minnesota Statutes 2006, section 149A.63, is amended to read:

#### **149A.63 PROFESSIONAL COOPERATION.**

A licensee, clinical student, practicum student, intern, or applicant for licensure under this chapter that is the subject of or part of an inspection or investigation by the commissioner or the commissioner's designee shall cooperate fully with the inspection or investigation. Failure to cooperate constitutes grounds for disciplinary action under this chapter.

Sec. 27. Minnesota Statutes 2006, section 149A.70, subdivision 1, is amended to read:

Subdivision 1. **Use of titles.** Only a person holding a valid license to practice mortuary science issued by the commissioner may use the title of mortician, funeral director, or any other title implying that the licensee is engaged in the business or practice of mortuary science. Only the holder of a valid license to operate a funeral establishment issued by the commissioner may use the title of funeral home, funeral chapel, funeral service, or any other title, word, or term implying that the licensee is engaged in the business or practice of mortuary science. Only the holder of a valid license to operate a crematory issued by the commissioner may use the title of crematory, crematorium, or any other title, word, or term implying that the licensee operates a crematory or crematorium.

Sec. 28. Minnesota Statutes 2006, section 149A.70, subdivision 3, is amended to read:

Subd. 3. **Advertising.** No licensee, clinical student, practicum student, or intern shall publish or disseminate false, misleading, or deceptive advertising. False, misleading, or deceptive advertising includes, but is not limited to:

(1) identifying, by using the names or pictures of, persons who are not licensed to practice mortuary science in a way that leads the public to believe that those persons will provide mortuary science services;

(2) using any name other than the names under which the funeral establishment or crematory is known to or licensed by the commissioner;

(3) using a surname not directly, actively, or presently associated with a licensed funeral establishment or crematory, unless the surname had been previously and continuously used by the licensed funeral establishment or crematory; and

(4) using a founding or establishing date or total years of service not directly or continuously related to a name under which the funeral establishment or crematory is currently or was previously licensed.

Any advertising or other printed material that contains the names or pictures of persons affiliated with a funeral establishment or crematory shall state the position held by the persons and shall identify each person who is licensed or unlicensed under this chapter.

Sec. 29. Minnesota Statutes 2006, section 149A.70, subdivision 5, is amended to read:

Subd. 5. **Reimbursement prohibited.** No licensee, clinical student, practicum student, or intern shall offer, solicit, or accept a commission, fee, bonus, rebate, or other reimbursement in consideration for recommending or causing a dead human body to be disposed of ~~in~~ by a specific body donation program, funeral establishment, crematory, mausoleum, or cemetery.

Sec. 30. Minnesota Statutes 2006, section 149A.70, subdivision 5a, is amended to read:

Subd. 5a. **Solicitations prohibited in certain situations.** No funeral provider or whole body donation program may directly or indirectly:

(1) call upon an individual at a grave site, in a hospital, nursing home, hospice, or similar institution or facility, or at a visitation, wake, or reviewal for the purpose of soliciting the sale of funeral goods, funeral services, burial site goods, or burial site services or for the purpose of making arrangements for a funeral or the final disposition of a dead human body, without a specific request for solicitation from that individual;



(2) solicit the sale of funeral goods, funeral services, burial site goods, or burial site services from an individual whose impending death is readily apparent, without a specific request for solicitation from that individual; or

(3) engage in ~~telephone~~ solicitation of an individual who has the right to control the final disposition of a dead human body within ten days after the death of the individual whose body is being disposed, without a specific request for solicitation from that individual.

This subdivision does not apply to communications between an individual and a funeral provider who is related to the individual by blood, adoption, or marriage.

Sec. 31. Minnesota Statutes 2006, section 149A.70, subdivision 6, is amended to read:

Subd. 6. **Use of unlicensed personnel; interns; and practicum students.** Except as otherwise provided in this chapter, a licensed funeral establishment may not employ unlicensed personnel to perform the duties of a funeral director or mortician ~~so long as the unlicensed personnel act under the direct supervision of an individual holding a current license to practice mortuary science in Minnesota and all applicable provisions of this chapter are followed. It is the duty of the licensees, individual or establishment, to provide proper training for all unlicensed personnel, and the licensees shall be strictly accountable for compliance with this chapter. This subdivision does not apply to registered interns who are under the direct and exclusive supervision of a registered licensee or a student duly registered for a practicum through an accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education. A licensee may be personally assisted by a nonlicensed employee when removing a dead human body from the place of death and in the lifting of a dead human body at the funeral establishment. The nonlicensed employee must be in the immediate physical presence of the licensee in charge at all times. The funeral establishment and the individual licensee are responsible for compliance and training of the nonlicensed employee outlined in sections 149A.90, subdivision 6, and 149A.92, subdivisions 7 and 10, and shall be fully accountable for all actions of the nonlicensed employee.~~

Sec. 32. Minnesota Statutes 2006, section 149A.70, subdivision 7, is amended to read:

Subd. 7. **Unprofessional conduct.** No licensee or intern shall engage in or permit others under the licensee's or intern's supervision or employment to engage in unprofessional conduct. Unprofessional conduct includes, but is not limited to:

(1) harassing, abusing, or intimidating a customer, employee, or any other person encountered while within the scope of practice, employment, or business;

(2) using profane, indecent, or obscene language within the immediate hearing of the family or relatives of the deceased;

(3) failure to treat with dignity and respect the body of the deceased, any member of the family or relatives of the deceased, any employee, or any other person encountered while within the scope of practice, employment, or business;

(4) the habitual overindulgence in the use of or dependence on intoxicating liquors, prescription drugs, over-the-counter drugs, illegal drugs, or any other mood altering substances that substantially impair a person's work-related judgment or performance;

(5) revealing personally identifiable facts, data, or information about a decedent, customer, member of the decedent's family, or employee acquired in the practice or business without the prior consent of the individual, except as authorized by law;

(6) intentionally misleading or deceiving any customer in the sale of any goods or services provided by the licensee;

(7) knowingly making a false statement in the procuring, preparation, or filing of any required permit or document; or

(8) knowingly making a false statement on a record of death.

Sec. 33. Minnesota Statutes 2006, section 149A.70, subdivision 8, is amended to read:

Subd. 8. **Disclosure of ownership.** All funeral establishments and funeral providers must clearly state by whom they are owned in on all price lists, business literature, stationery, Web sites, correspondence, and contracts. This subdivision does not apply to envelopes, business cards, newspaper advertisements, telephone book advertisements, billboard advertisements, or radio and television advertisements.

Sec. 34. Minnesota Statutes 2006, section 149A.70, subdivision 9, is amended to read:

Subd. 9. **Disclosure of change of ownership.** (a) Within 15 days of a change in ownership of a funeral establishment or funeral provider, the funeral establishment or funeral provider shall notify all preneed consumers by first class mail of the change in ownership. The notification shall advise the preneed consumers of their right to transfer all preneed trust funds to a new funeral provider and shall advise all preneed consumers who have revocable preneed trusts of their right to terminate the trust and receive a refund of all principal paid into the trust, plus interest accrued.

(b) For purposes of this subdivision:

(1) "change in ownership" means:

(i) the sale or transfer of ~~all or substantially all~~ 50 percent or more of the controlling interest or assets of a funeral establishment or funeral provider;

(ii) the sale or transfer of a controlling interest of a funeral establishment or funeral provider; or

(iii) the termination of the business of a funeral establishment or funeral provider where there is no transfer of assets or stock; and

(2) "controlling interest" means:

(i) an interest in a partnership of greater than 50 percent; or

(ii) greater than 50 percent of the issued and outstanding shares of a stock of a corporation.

Sec. 35. Minnesota Statutes 2006, section 149A.71, subdivision 2, is amended to read:

Subd. 2. **Preventive requirements.** (a) To prevent unfair or deceptive acts or practices, the requirements of this subdivision must be met.

(b) Funeral providers must tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in

paragraphs (c) to (e) and any other readily available information that reasonably answers the questions asked.

(c) Funeral providers must make available for viewing to people who inquire in person about the offerings or prices of funeral goods or burial site goods, separate printed or typewritten price lists using a ten-point font or larger. Each funeral provider must have a separate price list for each of the following types of goods that are sold or offered for sale:

- (1) caskets;
- (2) alternative containers;
- (3) outer burial containers;
- (4) cremation containers ~~and~~;
- (5) cremated remains containers;
- ~~(5)~~ (6) markers; and
- ~~(6)~~ (7) headstones.

(d) Each separate price list must contain the name of the funeral provider's place of business, address, and telephone number and a caption describing the list as a price list for one of the types of funeral goods or burial site goods described in paragraph (c), clauses (1) to ~~(6)~~ (7). The funeral provider must offer the list upon beginning discussion of, but in any event before showing, the specific funeral goods or burial site goods and must provide a photocopy of the price list, for retention, if so asked by the consumer. The list must contain, at least, the retail prices of all the specific funeral goods and burial site goods offered which do not require special ordering, enough information to identify each, and the effective date for the price list. ~~In lieu of a written price list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner.~~ However, funeral providers are not required to make a specific price list available if the funeral providers place the information required by this paragraph on the general price list described in paragraph (e).

(e) Funeral providers must give a printed ~~or typewritten~~ price list, for retention, to persons who inquire in person about the funeral goods, funeral services, burial site goods, or burial site services or prices offered by the funeral provider. The funeral provider must give the list upon beginning discussion of either the prices of or the overall type of funeral service or disposition or specific funeral goods, funeral services, burial site goods, or burial site services offered by the provider. This requirement applies whether the discussion takes place in the funeral establishment or elsewhere. However, when the deceased is removed for transportation to the funeral establishment, an in-person request for authorization to embalm does not, by itself, trigger the requirement to offer the general price list. If the provider, in making an in-person request for authorization to embalm, discloses that embalming is not required by law except in certain special cases, the provider is not required to offer the general price list. Any other discussion during that time about prices or the selection of funeral goods, funeral services, burial site goods, or burial site services triggers the requirement to give the consumer a general price list. The general price list must contain the following information:

- (1) the name, address, and telephone number of the funeral provider's place of business;

- (2) a caption describing the list as a "general price list";
- (3) the effective date for the price list;
- (4) the retail prices, in any order, expressed either as a flat fee or as the prices per hour, mile, or other unit of computation, and other information described as follows:
  - (i) forwarding of remains to another funeral establishment, together with a list of the services provided for any quoted price;
  - (ii) receiving remains from another funeral establishment, together with a list of the services provided for any quoted price;
  - (iii) separate prices for each cremation offered by the funeral provider, with the price including an alternative or cremation container, any crematory charges, and a description of the services and container included in the price, where applicable, and the price of cremation where the purchaser provides the container;
  - (iv) separate prices for each immediate burial offered by the funeral provider, including a casket or alternative container, and a description of the services and container included in that price, and the price of immediate burial where the purchaser provides the casket or alternative container;
  - (v) transfer of remains to the funeral establishment;
  - (vi) embalming;
  - (vii) other preparation of the body;
  - (viii) use of facilities, equipment, or staff for viewing;
  - (ix) use of facilities, equipment, or staff for funeral ceremony;
  - (x) use of facilities, equipment, or staff for memorial service;
  - (xi) use of equipment or staff for graveside service;
  - (xii) hearse or funeral coach;
  - (xiii) limousine; and
  - (xiv) separate prices for all cemetery-specific goods and services, including all goods and services associated with interment and burial site goods and services and excluding markers and headstones;
- (5) the price range for the caskets offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or casket sale location." or the prices of individual caskets, as disclosed in the manner described in paragraphs (c) and (d);
- (6) the price range for the alternative containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or alternative container sale location." or the prices of individual alternative containers, as disclosed in the manner described in paragraphs (c) and (d);
- (7) the price range for the outer burial containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or outer burial container sale location." or the prices of individual outer burial containers, as disclosed in the manner described in paragraphs (c) and (d);

(8) the price range for the cremation containers ~~and cremated remains containers~~ offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or cremation container sale location." or the prices of individual cremation containers and cremated remains containers, as disclosed in the manner described in paragraphs (c) and (d);

(9) the price range for the cremated remains containers offered by the funeral provider, together with the statement, "A complete price list will be provided at the funeral establishment or cremation container sale location," or the prices of individual cremation containers as disclosed in the manner described in paragraphs (c) and (d);

(10) the price for the basic services of funeral provider and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law;

~~(10) if the price for basic services, as described in clause (9), is not applicable, the statement "Please note that a fee for the use of our basic services is included in the price of our caskets. Our services include (specify services provided)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list, together with the casket price range or the prices of individual caskets. This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law, and~~

(11) the price range for the markers and headstones offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or marker or headstone sale location." or the prices of individual markers and headstones, as disclosed in the manner described in paragraphs (c) and (d); and

(12) any package priced funerals offered must be listed in addition to and following the information required in paragraph (e) and must clearly state the funeral goods and services being offered, the price being charged for those goods and services, and the discounted savings.

(f) Funeral providers must give an itemized written statement, for retention, to each consumer who arranges ~~a~~ an at-need funeral or other disposition of human remains at the conclusion of the discussion of the arrangements. The itemized written statement must be signed by the consumer selecting the goods and services as required in section 149A.80. If the statement is provided ~~at~~ by a funeral establishment, the statement must be signed by the licensed funeral director or mortician planning the arrangements. If the statement is provided by any other funeral provider, the statement must be signed by an authorized agent of the funeral provider. The statement must list the funeral goods, funeral services, burial site goods, or burial site services selected by that consumer and the prices to be paid for each item, specifically itemized cash advance items (these prices must be given to the extent then known or reasonably ascertainable if the prices are not known

or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid), and the total cost of goods and services selected. ~~The information required by this paragraph may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.~~ At the conclusion of an at-need arrangement, the funeral provider is required to give the consumer a copy of the signed itemized written contract that must contain the information required in this paragraph.

~~(g) Funeral providers must give any other price information, in any other format, in addition to that required by paragraphs (c) to (e) so long as the written statement required by paragraph (f) is given when required.~~

~~(h)~~ Upon receiving actual notice of the death of an individual with whom a funeral provider has entered a preneed funeral agreement, the funeral provider must provide a copy of all preneed funeral agreement documents to the person who controls final disposition of the human remains or to the designee of the person controlling disposition. The person controlling final disposition shall be provided with these documents at the time of the person's first in-person contact with the funeral provider, if the first contact occurs in person at a funeral establishment, crematory, or other place of business of the funeral provider. If the contact occurs by other means or at another location, the documents must be provided within 24 hours of the first contact.

Sec. 36. Minnesota Statutes 2006, section 149A.71, subdivision 4, is amended to read:

Subd. 4. **Casket, alternate container, and cremation container sales; records; required disclosures.** Any funeral provider who sells or offers to sell a casket, alternate container, or cremation container, ~~or cremated remains container~~ to the public must maintain a record of each sale that includes the name of the purchaser, the purchaser's mailing address, the name of the decedent, the date of the decedent's death, and the place of death. These records shall be open to inspection by the regulatory agency ~~and reported to the commissioner.~~ Any funeral provider selling a casket, alternate container, or cremation container to the public, and not having charge of the final disposition of the dead human body, ~~shall enclose within the casket, alternate container, or cremation container information provided by the commissioner that includes a blank record of death, and provide a copy of the statutes and rules controlling the removal, preparation, transportation, arrangements for disposition, and final disposition of a dead human body.~~ This subdivision does not apply to morticians, funeral directors, funeral establishments, crematories, or wholesale distributors of caskets, alternate containers, or cremation containers.

Sec. 37. Minnesota Statutes 2006, section 149A.72, subdivision 4, is amended to read:

Subd. 4. **Casket for cremation provision; preventive measures.** To prevent deceptive acts or practices, funeral providers must place the following disclosure in immediate conjunction with the prices shown for cremations: "Minnesota law does not require you to purchase a casket for cremation. If you want to arrange a cremation, you can use a cremation container. A cremation container is a combustible, closed container resistant to the leakage of bodily fluids, that encases the body and can be made of materials like fiberboard or ~~composition materials (with or without an outside covering)~~ corrugated cardboard and into which a dead human body is placed prior to insertion into a cremation chamber for cremation. The containers we provide are (specify containers provided)." This disclosure is required only if the funeral provider arranges direct cremations.

Sec. 38. Minnesota Statutes 2006, section 149A.74, subdivision 1, is amended to read:

Subdivision 1. **Services provided without prior approval; deceptive acts or practices.** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for any funeral provider to embalm a dead human body unless state or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which might be made, or prior approval for embalming has been obtained from an individual legally authorized to make such a decision, ~~or the funeral provider is unable to contact the legally authorized individual after exercising due diligence, has no reason to believe the legally authorized individual does not want embalming performed, and obtains subsequent approval for embalming already performed.~~ In seeking approval to embalm, the funeral provider must disclose that embalming is not required by law except in certain circumstances; that a fee will be charged if a funeral is selected which requires embalming, such as a funeral with viewing; and that no embalming fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

Sec. 39. Minnesota Statutes 2006, section 149A.80, subdivision 1, is amended to read:

Subdivision 1. **Advance directives and will of decedent.** A person may direct the preparation for, type, or place of that person's final disposition, either by oral or written instructions. Arrangements made in advance of need with a funeral establishment must be in writing and dated, signed, and notarized. The person or persons otherwise entitled to control the final disposition under this chapter shall faithfully carry out the reasonable and otherwise lawful directions of the decedent to the extent that the decedent has provided resources for the purpose of carrying out the directions. If the instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date, subject to other provisions of this chapter or any other law of this state. This subdivision shall be administered and construed so that the reasonable and lawful instructions of the decedent or the person entitled to control the final disposition shall be faithfully and promptly performed.

Sec. 40. Minnesota Statutes 2006, section 149A.80, subdivision 2, is amended to read:

Subd. 2. **Determination of right to control and duty of disposition.** The right to control the disposition of the remains of a deceased person, including the location and conditions of final disposition, unless other directions have been given by the decedent pursuant to subdivision 1, vests in, and the duty of final disposition of the body devolves upon, the following in the order ~~named~~ of priority listed:

(1) the person or persons appointed in a dated written instrument signed by the decedent. Written instrument includes, but is not limited to, a health care directive executed under chapter 145C. Written instrument does not include a durable or nondurable power of attorney which terminates on the death of the principal pursuant to sections 523.08 and 523.09;

(2) the ~~surviving, legally recognized~~ spouse of the decedent;

(3) the ~~surviving biological or adopted adult child or the majority of the adult children of the decedent over the age of majority,~~ provided that, in the absence of actual knowledge to the contrary, a funeral director or mortician may rely on instructions given

by the child or children who represent that they are the sole surviving child, or that they constitute a majority of the surviving children;

(4) the surviving parent or parents of the decedent, each having equal authority;

(5) the ~~surviving biological or adopted~~ adult sibling or the majority of the adult siblings of the decedent ~~over the age of majority~~, provided that, in the absence of actual knowledge to the contrary, a funeral director or mortician may rely on instructions given by the sibling or siblings who represent that they are the sole surviving sibling, or that they constitute a majority of the surviving siblings;

(6) the person or persons respectively in the next degree of kinship in the order named by law to inherit the estate of the decedent; and

(7) the appropriate public or court authority, as required by law.

For purposes of this subdivision, the appropriate public or court authority includes the county board of the county in which the death occurred if the person dies without apparent financial means to provide for final disposition or the district court in the county in which the death occurred.

Sec. 41. Minnesota Statutes 2006, section 149A.90, subdivision 1, is amended to read:

Subdivision 1. **Death record.** (a) Except as provided in this section, a death record must be completed and filed for every known death by the mortician, funeral director, or other person lawfully in charge of the final disposition of the body.

(b) If the body is that of an individual whose identity is unknown, the person in charge of the final disposition of the body must notify the commissioner for purposes of compliance with section 144.05, subdivision 4.

Sec. 42. Minnesota Statutes 2006, section 149A.90, subdivision 3, is amended to read:

Subd. 3. **Referrals to coroner or medical examiner.** ~~The mortician, funeral director, or other person lawfully in charge of the disposition of the body shall notify the coroner or medical examiner before moving a body from the site of death in any case:~~

~~(1) where the person is unable to obtain firm assurance from the physician in attendance that the medical certification will be signed;~~

~~(2) when circumstances suggest that the death was caused by other than natural causes;~~

~~(3) where deaths occur under mysterious or unusual circumstances;~~

~~(4) where there is a violent death, whether homicidal, suicidal, or accidental, including but not limited to, thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether self-induced or not;~~

~~(5) where the body is to be disposed of in some manner which prevents later examination, including but not limited to, cremation, dissection, or burial at sea, or~~

~~(6) when the decedent was an inmate of a public institution who was not hospitalized for organic disease.~~ Referrals to the coroner or medical examiner are outlined in section 390.11.

Sec. 43. Minnesota Statutes 2006, section 149A.90, subdivision 4, is amended to read:



Subd. 4. **Documentation Certificate of removal.** No dead human body shall be removed from the place of death by a mortician or funeral director without the completion of a certificate of removal certification and, where possible, presentation of a copy of that ~~certification~~ certificate to the person or a representative of the legal entity with physical or legal custody of the body at the death site. The certificate of removal certification ~~may shall~~ be ~~on a form~~ in the format provided by the commissioner ~~or on any other form~~ that contains, at least, the following information:

- (1) the name of the deceased, if known;
- (2) the date and time of removal;
- (3) a brief listing of the type and condition of any personal property removed with the body;
- (4) the location to which the body is being taken;
- (5) the name, business address, and license number of the individual making the removal; and
- (6) the signatures of the individual making the removal and, where possible, the individual or representative of the legal entity with physical or legal custody of the body at the death site.

Sec. 44. Minnesota Statutes 2006, section 149A.90, subdivision 5, is amended to read:

Subd. 5. **Retention of documentation certificate of removal.** A copy of the certificate of removal certification shall be given, where possible, to the person or representative of the legal entity having physical or legal custody of the body at the death site. The original certificate of removal certification shall be retained by the individual making the removal and shall be kept on file, at the funeral establishment ~~or crematory~~ to which the body was taken, for a period of three calendar years following the date of the removal. Following this period, and subject to any other laws requiring retention of records, the funeral establishment ~~or crematory~~ may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the removal of the body. At the end of this period and subject to any other laws requiring retention of records, the funeral establishment ~~or crematory~~ may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

Sec. 45. Minnesota Statutes 2006, section 149A.90, subdivision 6, is amended to read:

Subd. 6. **Removal procedure.** Every individual removing a dead human body from the place of death shall use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body. Before removal, the body shall be wrapped in a sheet or pouch that is impervious to liquids, covered in such a manner that the body cannot be viewed, ~~encased in a secure pouch~~, and placed on a regulation ambulance cot or on an aircraft ambulance stretcher. Any dead human body measuring 36 inches or less in length may be removed after having been properly wrapped, covered, and encased, but does not need to be placed on an ambulance cot or aircraft ambulance stretcher.

Sec. 46. Minnesota Statutes 2006, section 149A.90, subdivision 7, is amended to read:

Subd. 7. **Conveyances permitted for removal.** A dead human body may be transported from the place of death by any vehicle that meets the following standards:

- (1) promotes respect for and preserves the dignity of the dead human body;
- (2) shields the body from being viewed from outside of the conveyance;
- (3) has ample enclosed area to accommodate an ambulance cot or aircraft ambulance stretcher in a horizontal position;
- (4) is so designed to permit loading and unloading of the body without excessive tilting of the cot or stretcher; ~~and~~
- (5) if used for the transportation of more than one dead human body at one time, the vehicle must be designed so that a body or container does not rest directly on top of another body or container and that each body or container is secured to prevent the body or container from excessive movement within the conveyance. A dead human body measuring 36 inches or less in length may be transported from the place of death by passenger automobile. For purposes of this subdivision, a passenger automobile is a vehicle designed and used for carrying not more than ten persons, but excludes motorcycles and motor scooters; and
- (6) is designed so that the driver and the dead human body are in the same cab.

Sec. 47. Minnesota Statutes 2006, section 149A.90, subdivision 8, is amended to read:

Subd. 8. **Proper holding facility required.** The funeral establishment ~~or crematory~~ to which a dead human body is taken shall have an appropriate holding facility for storing the body while awaiting final disposition. The holding facility must be secure from access by anyone except the authorized personnel of the funeral establishment ~~or crematory~~, preserve the dignity of the remains, and protect the health and safety of the funeral establishment ~~or crematory~~ personnel.

Sec. 48. Minnesota Statutes 2006, section 149A.91, subdivision 2, is amended to read:

Subd. 2. **Preparation procedures; access to preparation room.** The preparation of a dead human body for final disposition shall be performed in privacy. No person shall be permitted to be present in the preparation room while a dead human body is being embalmed, washed, or otherwise prepared for final disposition, except:

- (1) licensed morticians ~~or funeral directors and their authorized agents and employees;~~
- (2) registered interns or students as described in subdivision 6;
- (3) public officials or representatives in the discharge of their official duties; and
- (4) licensed medical personnel; ~~and~~
- (5) ~~members of the immediate family of the deceased, their designated representatives, and any person receiving written authorization to be present. The written authorization must be dated and signed by the person with legal right to control the disposition and must be presented to the mortician or intern or practicum student who will be performing the procedure. The written authorization shall become part of the required records pursuant to subdivision 10.~~

Sec. 49. Minnesota Statutes 2006, section 149A.91, subdivision 3, is amended to read:

Subd. 3. **Embalming required.** A dead human body must be embalmed by a licensed mortician or registered intern or practicum student or clinical student in the following circumstances:

(1) if the body will be transported by public transportation;

(2) if final disposition will not be accomplished within 72 hours after death or release of the body by a competent authority with jurisdiction over the body or the body will be lawfully stored for final disposition in the future, except as provided in section 149A.94, subdivision 1;

(3) if the body will be publicly viewed; or

(4) if so ordered by the commissioner of health for the control of infectious disease and the protection of the public health.

For purposes of this subdivision, "publicly viewed" means reviewal of a dead human body by anyone other than those mentioned in section 149A.80, subdivision 2, and minor children. Refrigeration may be used in lieu of embalming when required in clause (2). A body may not be kept in refrigeration for a period that exceeds six calendar days from the time and release of the body from the place of death or from the time of release from the coroner or medical examiner.

Sec. 50. Minnesota Statutes 2006, section 149A.91, subdivision 5, is amended to read:

Subd. 5. **Authorization to embalm; required form.** A written authorization to embalm must contain the following information:

(1) the date of the authorization;

(2) the name of the funeral establishment that will perform the embalming;

(3) the name, address, and relationship to the decedent of the person signing the authorization;

(4) an acknowledgment of the circumstances where embalming is required by law under subdivision 3;

(5) a statement certifying that the person signing the authorization is the person with legal right to control the disposition of the body prescribed in section 149A.80 or that person's legal designee;

(6) the name and signature of the person requesting the authorization and that person's relationship to the funeral establishment where the procedure will be performed; and

(7) the signature of the person who has the legal right to control the disposition or their legal designee.

Sec. 51. Minnesota Statutes 2006, section 149A.91, subdivision 6, is amended to read:

Subd. 6. **Mortician required.** Embalming of a dead human body shall be performed only by an individual holding a license to practice mortuary science in Minnesota, a registered intern pursuant to section 149A.20, subdivision 6, or a student registered for a practicum or clinical through an accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education. An

individual who holds a funeral director only license issued pursuant to section 149A.40, subdivision 2, is prohibited from engaging in the embalming of a dead human body.

Sec. 52. Minnesota Statutes 2006, section 149A.91, subdivision 10, is amended to read:

Subd. 10. **Required records.** Every funeral establishment that causes a dead human body to be embalmed shall create and maintain on its premises or other business location in Minnesota an accurate record of every embalming performed. The record shall include all of the following information for each embalming:

- (1) the name of the decedent and the date of death;
- (2) the date the funeral establishment took physical custody of the body and, if applicable, the name of the person releasing the body to the custody of the funeral establishment;
- (3) the reason for embalming the body;
- (4) the name, address, and relationship to the decedent of the person who authorized the embalming of the body;
- (5) the date the body was embalmed, including the time begun and the time of completion;
- (6) the name, license number, and signature of the mortician who performed or personally supervised the intern or student who performed the embalming;
- (7) the name, permit number, if applicable, and signature of any intern or practicum student or clinical student that participates in the embalming of a body, whether the intern or practicum student or clinical student performs part or all of the embalming; and
- (8) the original written authorization to embalm and any other supporting documentation that establishes the legal right of the funeral establishment to physical custody of the body and to embalm the body.

Sec. 53. Minnesota Statutes 2006, section 149A.92, subdivision 2, is amended to read:

Subd. 2. **Minimum requirements; general.** Every funeral establishment must have a preparation and embalming room. The room shall be of sufficient size and dimensions to accommodate a preparation or embalming table, an ~~open fixture~~ approved flush bowl with water connections, a hand sink with water connections, and an instrument table, cabinet, or shelves.

Sec. 54. Minnesota Statutes 2006, section 149A.92, subdivision 6, is amended to read:

Subd. 6. **Minimum requirements; equipment and supplies.** The preparation and embalming room must have a ~~preparation and embalming table and a functional aspirator, eye wash, and quick drench shower.~~ The preparation and embalming table shall have a nonporous top, preferably of rustproof metal or porcelain, with raised edges around the top of the entire table and a drain opening at the lower end. Where embalmings are actually performed in the room, the room must be equipped with a preparation and embalming table, a functional method for injection of fluids, ~~an eye wash station~~, and sufficient supplies and instruments for normal operation. The preparation and embalming table shall have a nonporous top of rustproof metal or porcelain, with raised edges around the top of the entire table and a drain opening at the lower end. All supplies must be stored

and used in accordance with all applicable state and federal regulations for occupational health and safety.

Sec. 55. Minnesota Statutes 2006, section 149A.93, subdivision 1, is amended to read:

Subdivision 1. **Permits required.** After removal from the place of death to any location where the body is held awaiting final disposition, further transportation of the body shall require a ~~transit permit issued by a licensed mortician~~ certificate of removal. ~~Permits~~ The certificate of removal shall contain the information required ~~on~~ in the ~~permit form~~ format as furnished by the commissioner.

Sec. 56. Minnesota Statutes 2006, section 149A.93, subdivision 2, is amended to read:

Subd. 2. **Transit permit Certificate of removal.** A ~~transit permit~~ certificate of removal is required when:

- (1) legal and physical custody of the body is transferred;
- (2) a body is transported by public transportation; or
- (3) a body is removed from the state.

Sec. 57. Minnesota Statutes 2006, section 149A.93, is amended by adding a subdivision to read:

Subd. 2a. **Retention of certificate of removal.** A copy of the certificate of removal shall be retained by the funeral establishment or representative of the legal entity releasing legal and physical custody of the body. The original certificate of removal shall accompany the remains to the legal entity to which custody is transferred. The funeral establishment releasing the custody of the remains shall retain a copy of the certificate of removal for a period of three calendar years following the date of the transfer of custody. Following this period, and subject to any other laws requiring retention of records, the funeral establishment may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the removal of the body. At the end of this period and subject to any other laws requiring retention of records, the funeral establishment may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

Sec. 58. Minnesota Statutes 2006, section 149A.93, subdivision 3, is amended to read:

Subd. 3. **Disposition permit.** A disposition permit is required before a body can be buried, entombed, or cremated. No disposition permit shall be issued until a fact of death record has been completed and filed with the local or state registrar of vital statistics.

Sec. 59. Minnesota Statutes 2006, section 149A.93, subdivision 4, is amended to read:

Subd. 4. **Possession of permit.** Until the body is delivered for final disposition, the disposition permit shall be in possession of the person in physical or legal custody of the body, or attached to the transportation container which holds the body. At the place of final disposition, legal and physical custody of the body shall pass with the filing of the disposition permit with the person in charge of that place.

Sec. 60. Minnesota Statutes 2006, section 149A.93, subdivision 6, is amended to read:

Subd. 6. **Conveyances permitted for transportation.** A dead human body may be transported by means of public transportation provided that the body must be properly embalmed and encased in an appropriate container, or by any private vehicle or aircraft that meets the following standards:

- (1) promotes respect for and preserves the dignity of the dead human body;
- (2) shields the body from being viewed from outside of the conveyance;
- (3) has ample enclosed area to accommodate a regulation ambulance cot, aircraft ambulance stretcher, casket, alternative container, or cremation container in a horizontal position;
- (4) is designed to permit loading and unloading of the body without excessive tilting of the casket, alternative container, or cremation container; ~~and~~
- (5) if used for the transportation of more than one dead human body at one time, the vehicle must be designed so that a body or container does not rest directly on top of another body or container and that each body or container is secured to prevent the body or container from excessive movement within the conveyance; and
- (6) is designed so that the driver and the dead human body are in the same cab.

Sec. 61. Minnesota Statutes 2006, section 149A.93, subdivision 8, is amended to read:

Subd. 8. **Who may transport.** ~~Subject to section 149A.09, A dead human body need not be transported under the direct, personal supervision of a licensed mortician or funeral director. In circumstances where there is no reasonable probability that unlicensed personnel will encounter family members or other persons with whom funeral arrangements are normally made by licensed morticians or funeral directors, a dead human body may be transported without the direct, personal supervision of a licensed mortician. Any inadvertent contact with family members or other persons as described above shall be restricted to unlicensed personnel identifying the employer to the person encountered, offering to arrange an appointment with the employer for any person who indicates a desire to make funeral arrangements for the deceased, and making any disclosure to the person that is required by state or federal regulations may be transported by unlicensed personnel according to section 149A.90. A licensed mortician or funeral director who directs the transport of a dead human body without providing direct, personal supervision by unlicensed personnel shall be held strictly accountable for compliance with this chapter.~~

Sec. 62. Minnesota Statutes 2006, section 149A.94, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Every dead human body lying within the state, except those delivered for dissection pursuant to section 525.9213, those delivered for anatomical study pursuant to section 149A.81, subdivision 2, or lawfully carried through the state for the purpose of disposition elsewhere; and the remains of any dead human body after dissection or anatomical study, shall be decently buried, entombed, or cremated, within a reasonable time after death. Where final disposition of a body will not be accomplished within 72 hours following death or release of the body by a competent authority with jurisdiction over the body, the body must be properly embalmed or refrigerated. A body may not be kept in refrigeration for a period exceeding six calendar days from the time of death or release of the body from the coroner or medical examiner. ~~For purposes of this section, refrigeration is not considered a form of preservation or disinfection and does not alter the 72-hour requirement, except as provided in subdivision 2.~~

Sec. 63. Minnesota Statutes 2006, section 149A.94, subdivision 3, is amended to read:

Subd. 3. **Permit required.** No dead human body shall be buried, entombed, or cremated without a disposition permit. The disposition permit must be filed with the person in charge of the place of final disposition. Where a dead human body will be transported out of this state for final disposition, the body must be accompanied by a transit permit certificate of removal.

Sec. 64. Minnesota Statutes 2006, section 149A.95, subdivision 2, is amended to read:

Subd. 2. **General requirements.** Any building to be used as a crematory must comply with all applicable local and state building codes, zoning laws and ordinances, and environmental standards. A crematory must have, on site, a human cremation system approved by the commissioner, a motorized mechanical device for processing cremated remains and must have, in the building ~~or adjacent to it~~, a holding facility for the retention of dead human bodies awaiting cremation. The holding facility must be secure from access by anyone except the authorized personnel of the crematory, preserve the dignity of the remains, and protect the health and safety of the crematory personnel.

Sec. 65. Minnesota Statutes 2006, section 149A.95, subdivision 4, is amended to read:

Subd. 4. **Authorization to cremate required.** No crematory shall cremate or cause to be cremated any dead human body or identifiable body part without receiving written authorization to do so from the person or persons who ~~has~~ have the legal right to control disposition as described in section 149A.80 or the person's legal designee. The written authorization must include:

- (1) the name of the deceased and the date of death;
- (2) a statement authorizing the crematory to cremate the body;
- (3) the name, address, relationship to the deceased, and signature of the person or persons with legal right to control final disposition or a legal designee;
- (4) certification that the body does not contain any implanted mechanical or radioactive device, such as a heart pacemaker, that may create a hazard when placed in the cremation chamber;
- (5) authorization to remove the body from the container in which it was delivered, if that container is not appropriate for cremation, and to place the body in an appropriate cremation container and directions for the disposition of the original container;
- (6) authorization to open the cremation chamber and reposition the body to facilitate a thorough cremation and to remove from the cremation chamber and separate from the cremated remains, any noncombustible materials or items;
- (7) directions for the disposition of any noncombustible materials or items recovered from the cremation chamber;
- (8) acknowledgment that the cremated remains will be mechanically reduced to a granulated appearance and placed in an appropriate container and authorization to place any cremated remains that a selected urn or container will not accommodate into a temporary container;
- (9) acknowledgment that, even with the exercise of reasonable care, it is not possible to recover all particles of the cremated remains and that some particles may inadvertently

become commingled with disintegrated chamber material and particles of other cremated remains that remain in the cremation chamber or other mechanical devices used to process the cremated remains; and

(10) directions for the ultimate disposition of the cremated remains.

Sec. 66. Minnesota Statutes 2006, section 149A.95, subdivision 6, is amended to read:

Subd. 6. **Acceptance of delivery of body.** No dead human body shall be accepted for final disposition by cremation unless encased in an appropriate cremation container or ~~casket~~, wrapped in an impermeable sheet or pouch and placed on a tray rigid enough for handling with ease, accompanied by a disposition permit issued pursuant to section 149A.93, subdivision 3, including a photocopy of the completed death record or a signed release authorizing cremation of the body received from the coroner or medical examiner, and accompanied by a cremation authorization that complies with subdivision 4. A crematory ~~may~~ shall refuse to accept delivery of a cremation container where there is:

- (1) evidence of leakage of fluids from the ~~body~~ cremation container;
- (2) a known dispute concerning cremation of the body delivered;
- (3) a reasonable basis for questioning any of the representations made on the written authorization to cremate; or
- (4) any other lawful reason.

Sec. 67. Minnesota Statutes 2006, section 149A.95, is amended by adding a subdivision to read:

Subd. 6a. **Bodies awaiting cremation.** A dead human body must be cremated within 24 hours of the crematory accepting legal and physical custody of the body.

Sec. 68. Minnesota Statutes 2006, section 149A.95, subdivision 7, is amended to read:

Subd. 7. **Handling of cremation containers for dead human bodies.** All crematory employees handling cremation containers for dead human bodies shall use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body. No dead human body shall be removed from the container in which it is delivered to the crematory without express written authorization of the person or persons with legal right to control the disposition and only by a licensed mortician. If, after accepting delivery of a body for cremation, it is discovered that the body contains an implanted mechanical or radioactive device, that device must be removed from the body by a licensed mortician or physician prior to cremation.

Sec. 69. Minnesota Statutes 2006, section 149A.95, subdivision 9, is amended to read:

Subd. 9. **Cremation chamber for human remains.** A licensed crematory shall knowingly cremate only dead human bodies or human remains in a cremation chamber, along with the cremation container ~~or casket~~ and ~~a~~ the sheet or pouch used for disease control.

Sec. 70. Minnesota Statutes 2006, section 149A.95, subdivision 13, is amended to read:



Subd. 13. **Cremation procedures; commingling of cremated remains prohibited.** Except with the express written permission of the person with legal right to control the final disposition or otherwise provided by law, no crematory shall mechanically process the cremated human remains of more than one body at a time in the same mechanical processor, or introduce the cremated human remains of a second body into a mechanical processor until processing of any preceding cremated human remains has been terminated and reasonable efforts have been employed to remove all fragments of the preceding cremated remains. The fact that there is incidental and unavoidable residue in the mechanical processor or any container used in a prior cremation is not a violation of this provision.

Sec. 71. Minnesota Statutes 2006, section 149A.95, subdivision 14, is amended to read:

Subd. 14. **Cremation procedures; processing cremated remains.** The cremated human remains shall be reduced by a motorized mechanical device to a granulated appearance appropriate for final disposition and placed in a cremated remains container along with the appropriate identifying disk, tab, or permanent label.

Sec. 72. Minnesota Statutes 2006, section 149A.95, subdivision 15, is amended to read:

Subd. 15. **Cremation procedures; container of insufficient capacity.** If a cremated remains container is of insufficient capacity to accommodate all cremated remains of a given dead human body, subject to directives provided in the written authorization to cremate, the crematory shall place the excess cremated remains in a secondary cremated remains container and attach the second container, in a manner so as not to be easily detached through incidental contact, to the primary cremated remains container. The secondary container shall contain a duplicate of the identification disk, tab, or permanent label that was placed in the primary container and all paperwork regarding the given body shall include a notation that the cremated remains were placed in two containers.

Sec. 73. Minnesota Statutes 2006, section 149A.95, subdivision 20, is amended to read:

Subd. 20. **Required records.** Every crematory shall create and maintain on its premises or other business location in Minnesota an accurate record of every cremation provided. The record shall include all of the following information for each cremation:

- (1) the name of the person or funeral establishment delivering the body for cremation;
- (2) the name of the deceased and the identification number assigned to the body;
- (3) the date of acceptance of delivery;
- (4) the names of the cremation chamber and mechanical processor operator;
- (5) the time and date that the body was placed in and removed from the cremation chamber;
- (6) the time and date that processing and inurnment of the cremated remains was completed;
- (7) the time, date, and manner of release of the cremated remains;
- (8) the name and address of the person who signed the authorization to cremate; ~~and~~
- (9) all supporting documentation, including any transit or disposition permits, a photocopy of the death record, and the authorization to cremate; and

(10) the type of cremation container.

Sec. 74. Minnesota Statutes 2006, section 149A.96, subdivision 1, is amended to read:

Subdivision 1. **Written authorization.** Except as provided in this section, no dead human body or human remains shall be disinterred and reinterred without the written authorization of the person or persons legally entitled to control the body or remains and a disinterment-reinterment permit properly issued by the ~~state registrar~~ commissioner or a licensed mortician. Permits shall contain the information required on the permit form as furnished by the commissioner.

Sec. 75. **REPEALER.**

Minnesota Statutes 2006, sections 149A.93, subdivision 9; and 149A.94, subdivision 2, are repealed.

Presented to the governor May 21, 2007

Signed by the governor May 23, 2007, 10:20 a.m.