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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 1072

February 19, 2007

Authored by Lieblich, Thissen, Huntley and Gottwalt

The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health; mortuary science; changing provisions dealing with mortuary
1.3 science; amending Minnesota Statutes 2006, sections 149A.01, subdivisions 2,
1.4 3; 149A.02, subdivisions 2, 8, 11, 12, 13, 16, 19, 29, 33, 34, 36, 40, by adding
1.5 subdivisions; 149A.03; 149A.20, subdivisions 1, 4, 6; 149A.40, subdivision
1.6 11; 149A.45, by adding subdivisions; 149A.50, subdivisions 2, 4; 149A.52,
1.7 subdivision 4, by adding a subdivision; 149A.53, by adding a subdivision;
1.8 149A.63; 149A.70, subdivisions 1, 3, 5, 5a, 6, 7, 8, 9; 149A.71, subdivisions 2,
1.9 4; 149A.72, subdivision 4; 149A.74, subdivision 1; 149A.80, subdivisions 1, 2,
1.10 3; 149A.90, subdivisions 1, 3, 4, 5, 6, 7, 8; 149A.91, subdivisions 2, 3, 5, 6, 10;
1.11 149A.92, subdivisions 2, 6; 149A.93, subdivisions 1, 2, 3, 6, 8, by adding a
1.12 subdivision; 149A.94, subdivisions 1, 3; 149A.95, subdivisions 2, 4, 6, 7, 9, 13,
1.13 14, 15, 20, by adding a subdivision; 149A.96, subdivision 1; repealing Minnesota
1.14 Statutes 2006, sections 149A.93, subdivision 9; 149A.94, subdivision 2.

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

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

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

1.20 (1) take charge of, or remove from the place of death, ~~or transport~~ a dead human
1.21 body;

1.22 (2) prepare a dead human body for final disposition, in any manner; or

1.23 (3) arrange, direct, or supervise a funeral, ~~memorial service,~~ or graveside service.

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

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

1.27 ~~(1) an officer of any public institution;~~

2.1 ~~(2)~~ (1) ~~an officer of a medical college, county medical society, anatomical~~
 2.2 ~~association, or anatomical bequest program located within an accredited school of~~
 2.3 ~~medicine or an accredited college of mortuary science;~~

2.4 ~~(3) a donee of an anatomical gift;~~

2.5 ~~(4)~~ (2) a person engaged in the performance of duties prescribed by law relating to
 2.6 the conditions under which unclaimed dead human bodies are held subject to anatomical
 2.7 study;

2.8 ~~(5)~~ (3) authorized personnel from a licensed ambulance service in the performance
 2.9 of their duties;

2.10 ~~(6)~~ (4) licensed medical personnel in the performance of their duties; or

2.11 ~~(7)~~ (5) the coroner or medical examiner in the performance of the duties of their
 2.12 offices.

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

2.17 (c) Noncompensated persons related by blood, adoption, or marriage to a decedent
 2.18 who chose to remove a body of a decedent from the place of death, transport the body,
 2.19 prepare the body for disposition, except embalming, or arrange for final disposition of
 2.20 the body are not required to be licensed, provided that all actions are in compliance with
 2.21 this chapter.

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

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

2.34 ~~(f)~~ (e) Notwithstanding this subdivision, nothing in this section shall be construed to
 2.35 prohibit an institution or entity from establishing, implementing, or enforcing a policy that

3.1 permits only persons licensed by the commissioner to remove or cause to be removed a
3.2 dead body or body part from the institution or entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.16 Sec. 11. Minnesota Statutes 2006, section 149A.02, subdivision 19, is amended to read:

4.17 Subd. 19. **Funeral director.** "Funeral director" means any person who, for
4.18 compensation, arranges, directs, or supervises funerals, ~~memorial services~~, or graveside
4.19 services, or engages in the business or practice of preparing dead human bodies for final
4.20 disposition by means other than embalming.

4.21 Sec. 12. Minnesota Statutes 2006, section 149A.02, subdivision 29, is amended to read:

4.22 Subd. 29. **Mortician.** "Mortician" means any person who, for compensation,
4.23 practices the art of embalming and arranges, directs, or supervises funerals, ~~memorial~~
4.24 ~~services~~, or graveside services, or engages in the business or practice of preparing dead
4.25 human bodies for final disposition.

4.26 Sec. 13. Minnesota Statutes 2006, section 149A.02, subdivision 33, is amended to read:

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

5.1 Sec. 14. Minnesota Statutes 2006, section 149A.02, subdivision 34, is amended to read:

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

5.5 Sec. 15. Minnesota Statutes 2006, section 149A.02, subdivision 36, is amended to read:

5.6 Subd. 36. **Professional services.** "Professional services" means the basic services
5.7 of the funeral director or mortician and staff that are furnished by the funeral provider
5.8 in arranging final disposition. The services include, but are not limited to, conducting
5.9 the arrangement conference; planning visitations and the funeral; ~~memorial service~~;
5.10 or graveside service; arranging for final disposition by securing, preparing, and filing
5.11 necessary permits and documents; and placing obituary notices.

5.12 Sec. 16. Minnesota Statutes 2006, section 149A.02, is amended by adding a
5.13 subdivision to read:

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

5.16 Sec. 17. Minnesota Statutes 2006, section 149A.02, subdivision 40, is amended to read:

5.17 Subd. 40. **Use of facilities.** "Use of facilities" means the provision of a chapel or
5.18 room for visitation, provision of a chapel or room for the funeral ~~or memorial service~~,
5.19 provision of facilities for parking, or provision of office space for administrative or
5.20 planning purposes.

5.21 Sec. 18. Minnesota Statutes 2006, section 149A.03, is amended to read:

5.22 **149A.03 DUTIES OF COMMISSIONER.**

5.23 The commissioner shall:

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

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

5.27 (ii) licensure and professional conduct of funeral directors, morticians, ~~and~~ interns,
5.28 practicum students, and clinical students;

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

5.30 (iv) licensing and operation of a crematory;

5.31 (2) provide copies of the requirements for licensure and permits to all applicants;

6.1 (3) administer examinations and issue licenses and permits to qualified persons
6.2 and other legal entities;

6.3 (4) maintain a record of the name and location of all current licensees and interns;

6.4 (5) perform periodic compliance reviews and premise inspections of licensees;

6.5 (6) accept and investigate complaints relating to conduct governed by this chapter;

6.6 (7) maintain a record of all current preneed arrangement trust accounts;

6.7 (8) maintain a schedule of application, examination, permit, and licensure fees,
6.8 initial and renewal, sufficient to cover all necessary operating expenses;

6.9 (9) educate the public about the existence and content of the laws and rules for
6.10 mortuary science licensing and the removal, preparation, transportation, arrangements
6.11 for disposition, and final disposition of dead human bodies to enable consumers to file
6.12 complaints against licensees and others who may have violated those laws or rules;

6.13 (10) evaluate the laws, rules, and procedures regulating the practice of mortuary
6.14 science in order to refine the standards for licensing and to improve the regulatory and
6.15 enforcement methods used; and

6.16 (11) initiate proceedings to address and remedy deficiencies and inconsistencies in
6.17 the laws, rules, or procedures governing the practice of mortuary science and the removal,
6.18 preparation, transportation, arrangements for disposition, and final disposition of dead
6.19 human bodies.

6.20 Sec. 19. Minnesota Statutes 2006, section 149A.20, subdivision 1, is amended to read:

6.21 Subdivision 1. **License required.** Except as provided in section 149A.01,
6.22 subdivision 3, any person who takes charge of; or removes from the place of death, ~~or~~
6.23 ~~transports~~ a dead human body, or prepares a dead human body for final disposition
6.24 in any manner, or arranges, directs, or supervises a funeral, memorial service, or
6.25 graveside service must possess a valid license to practice mortuary science issued by
6.26 the commissioner. A nonlicensed individual may arrange for and direct or supervise a
6.27 memorial service providing that person does not take charge of the dead human body.
6.28 A funeral establishment may provide a nonlicensed individual to direct or supervise a
6.29 memorial service provided they disclose that information to the person or persons with the
6.30 authority to make the funeral arrangement as provided in section 149A.80.

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

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

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

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

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

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

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

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

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

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

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

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

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

7.28 Sec. 21. Minnesota Statutes 2006, section 149A.20, subdivision 6, is amended to read:

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

7.33 (1) the appropriate fee; and

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

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

8.25 Sec. 22. Minnesota Statutes 2006, section 149A.40, subdivision 11, is amended to read:

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

8.30 Sec. 23. Minnesota Statutes 2006, section 149A.45, is amended by adding a
8.31 subdivision to read:

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

9.1 Sec. 24. Minnesota Statutes 2006, section 149A.45, is amended by adding a
9.2 subdivision to read:

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

9.5 Sec. 25. Minnesota Statutes 2006, section 149A.50, subdivision 2, is amended to read:

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

9.8 (1) contain a preparation and embalming room as described in section 149A.92; ~~and~~

9.9 (2) contain office space for making arrangements; and

9.10 (3) comply with applicable local and state building codes, zoning laws, and
9.11 ordinances.

9.12 Sec. 26. Minnesota Statutes 2006, section 149A.50, subdivision 4, is amended to read:

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

9.19 Sec. 27. Minnesota Statutes 2006, section 149A.52, subdivision 4, is amended to read:

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

9.26 Sec. 28. Minnesota Statutes 2006, section 149A.52, is amended by adding a
9.27 subdivision to read:

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

10.1 Sec. 29. Minnesota Statutes 2006, section 149A.53, is amended by adding a
10.2 subdivision to read:

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

10.6 Sec. 30. Minnesota Statutes 2006, section 149A.63, is amended to read:

10.7 **149A.63 PROFESSIONAL COOPERATION.**

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

10.13 Sec. 31. Minnesota Statutes 2006, section 149A.70, subdivision 1, is amended to read:

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

10.23 Sec. 32. Minnesota Statutes 2006, section 149A.70, subdivision 3, is amended to read:

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

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

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

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

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

11.7 (5) claiming a person to have "local ownership" unless the person or persons have
 11.8 a 25 percent or more interest in the business unless also disclosing the percentage of
 11.9 ownership of that person or persons if the percentage is under 25 percent.

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

11.13 Sec. 33. Minnesota Statutes 2006, section 149A.70, subdivision 5, is amended to read:

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

11.18 Sec. 34. Minnesota Statutes 2006, section 149A.70, subdivision 5a, is amended to read:

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

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

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

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

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

12.1 Sec. 35. Minnesota Statutes 2006, section 149A.70, subdivision 6, is amended to read:

12.2 Subd. 6. **Use of unlicensed personnel; interns; and practicum students.** Except
 12.3 as otherwise provided in this chapter, a licensed funeral establishment may not employ
 12.4 unlicensed personnel to perform the duties of a funeral director or mortician ~~so long as the~~
 12.5 ~~unlicensed personnel act under the direct supervision of an individual holding a current~~
 12.6 ~~license to practice mortuary science in Minnesota and all applicable provisions of this~~
 12.7 ~~chapter are followed. It is the duty of the licensees, individual or establishment, to provide~~
 12.8 ~~proper training for all unlicensed personnel, and the licensees shall be strictly accountable~~
 12.9 ~~for compliance with this chapter. This subdivision does not apply to registered interns~~
 12.10 ~~who are under the direct and exclusive supervision of a registered licensee or a student~~
 12.11 ~~duly registered for a practicum through an accredited college or university or a college of~~
 12.12 ~~funeral service education accredited by the American Board of Funeral Service Education.~~

12.13 Sec. 36. Minnesota Statutes 2006, section 149A.70, subdivision 7, is amended to read:

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

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

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

12.21 ~~(3)~~ (2) failure to treat with dignity and respect the body of the deceased, any member
 12.22 of the family or relatives of the deceased, any employee, or any other person encountered
 12.23 while within the scope of practice, employment, or business;

12.24 ~~(4)~~ (3) the habitual overindulgence in the use of or dependence on intoxicating
 12.25 liquors, prescription drugs, over-the-counter drugs, illegal drugs, or any other mood
 12.26 altering substances that substantially impair a person's work-related judgment or
 12.27 performance;

12.28 ~~(5)~~ (4) revealing personally identifiable facts, data, or information about a decedent,
 12.29 customer, member of the decedent's family, or employee acquired in the practice or
 12.30 business without the prior consent of the individual, except as authorized by law;

12.31 ~~(6)~~ (5) intentionally misleading or deceiving any customer in the sale of any goods
 12.32 or services provided by the licensee;

12.33 ~~(7)~~ (6) knowingly making a false statement in the procuring, preparation, or filing of
 12.34 any required permit or document; or

12.35 ~~(8)~~ (7) knowingly making a false statement (7) on a record of death.

13.1 Sec. 37. Minnesota Statutes 2006, section 149A.70, subdivision 8, is amended to read:

13.2 Subd. 8. **Disclosure of ownership.** All funeral establishments and funeral
 13.3 providers must clearly state by whom they are owned ~~in~~ on all price lists, business
 13.4 literature, stationary, Web sites, correspondence, and contracts. For purposes of clarity,
 13.5 this subdivision does not apply to envelopes, business cards, newspaper advertisements,
 13.6 telephone book advertisements, billboard advertisements, or radio and television
 13.7 advertisements.

13.8 Sec. 38. Minnesota Statutes 2006, section 149A.70, subdivision 9, is amended to read:

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

13.16 (b) For purposes of this subdivision:

13.17 (1) "change in ownership" means:

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

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

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

13.24 (2) "controlling interest" means:

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

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

13.28 Sec. 39. Minnesota Statutes 2006, section 149A.71, subdivision 2, is amended to read:

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

13.31 (b) Funeral providers must tell persons who ask by telephone about the funeral
 13.32 provider's offerings or prices any accurate information from the price lists described in
 13.33 paragraphs (c) to (e) and any other readily available information that reasonably answers
 13.34 the questions asked.

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

- 14.5 (1) caskets;
- 14.6 (2) alternative containers;
- 14.7 (3) outer burial containers;
- 14.8 (4) cremation containers ~~and~~;
- 14.9 (5) cremated remains containers;
- 14.10 ~~(5)~~ (6) markers; and
- 14.11 ~~(6)~~ (7) headstones.

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

14.26 (e) Funeral providers must give a printed ~~or typewritten~~ price list, for retention, to
 14.27 persons who inquire in person about the funeral goods, funeral services, burial site goods,
 14.28 or burial site services or prices offered by the funeral provider. The funeral provider
 14.29 must give the list upon beginning discussion of either the prices of or the overall type
 14.30 of funeral service or disposition or specific funeral goods, funeral services, burial site
 14.31 goods, or burial site services offered by the provider. This requirement applies whether
 14.32 the discussion takes place in the funeral establishment or elsewhere. However, when
 14.33 the deceased is removed for transportation to the funeral establishment, an in-person
 14.34 request for authorization to embalm does not, by itself, trigger the requirement to offer
 14.35 the general price list. If the provider, in making an in-person request for authorization to
 14.36 embalm, discloses that embalming is not required by law except in certain special cases,

15.1 the provider is not required to offer the general price list. Any other discussion during that
15.2 time about prices or the selection of funeral goods, funeral services, burial site goods, or
15.3 burial site services triggers the requirement to give the consumer a general price list. The
15.4 general price list must contain the following information:

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

15.7 (2) a caption describing the list as a "general price list";

15.8 (3) the effective date for the price list;

15.9 (4) the retail prices, in any order, expressed either as a flat fee or as the prices per
15.10 hour, mile, or other unit of computation, and other information described as follows:

15.11 (i) forwarding of remains to another funeral establishment, together with a list of
15.12 the services provided for any quoted price;

15.13 (ii) receiving remains from another funeral establishment, together with a list of
15.14 the services provided for any quoted price;

15.15 (iii) separate prices for each cremation offered by the funeral provider, with the price
15.16 including an alternative or cremation container, any crematory charges, and a description
15.17 of the services and container included in the price, where applicable, and the price of
15.18 cremation where the purchaser provides the container;

15.19 (iv) separate prices for each immediate burial offered by the funeral provider,
15.20 including a casket or alternative container, and a description of the services and container
15.21 included in that price, and the price of immediate burial where the purchaser provides the
15.22 casket or alternative container;

15.23 (v) transfer of remains to the funeral establishment;

15.24 (vi) embalming;

15.25 (vii) other preparation of the body;

15.26 (viii) use of facilities, equipment, or staff for viewing;

15.27 (ix) use of facilities, equipment, or staff for funeral ceremony;

15.28 (x) use of facilities, equipment, or staff for memorial service;

15.29 (xi) use of equipment or staff for graveside service;

15.30 (xii) hearse or funeral coach;

15.31 (xiii) limousine; and

15.32 (xiv) separate prices for all cemetery-specific goods and services, including all goods
15.33 and services associated with interment and burial site goods and services and excluding
15.34 markers and headstones;

15.35 (5) the price range for the caskets offered by the funeral provider, together with the
15.36 statement "A complete price list will be provided at the funeral establishment or casket

16.1 sale location." or the prices of individual caskets, as disclosed in the manner described
16.2 in paragraphs (c) and (d);

16.3 (6) the price range for the alternative containers offered by the funeral provider,
16.4 together with the statement "A complete price list will be provided at the funeral
16.5 establishment or alternative container sale location." or the prices of individual alternative
16.6 containers, as disclosed in the manner described in paragraphs (c) and (d);

16.7 (7) the price range for the outer burial containers offered by the funeral provider,
16.8 together with the statement "A complete price list will be provided at the funeral
16.9 establishment or outer burial container sale location." or the prices of individual outer
16.10 burial containers, as disclosed in the manner described in paragraphs (c) and (d);

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

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

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

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

17.1 ~~provider fee for services, facilities, or unallocated overhead permitted by this subdivision~~
 17.2 ~~to be nondeclinable, unless otherwise required by law; and~~

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

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

17.11 (f) Funeral providers must give an itemized written statement, for retention, to each
 17.12 consumer who arranges a an at-need funeral or other disposition of human remains at the
 17.13 conclusion of the discussion of the arrangements. The itemized written statement must be
 17.14 signed by the consumer selecting the goods and services as required in section 149A.80. If
 17.15 the statement is provided at by a funeral establishment, the statement must be signed by
 17.16 the licensed funeral director or mortician planning the arrangements. If the statement is
 17.17 provided by any other funeral provider, the statement must be signed by an authorized
 17.18 agent of the funeral provider. The statement must list the funeral goods, funeral services,
 17.19 burial site goods, or burial site services selected by that consumer and the prices to be paid
 17.20 for each item, specifically itemized cash advance items (these prices must be given to the
 17.21 extent then known or reasonably ascertainable if the prices are not known or reasonably
 17.22 ascertainable, a good faith estimate shall be given and a written statement of the actual
 17.23 charges shall be provided before the final bill is paid), and the total cost of goods and
 17.24 services selected. The information required by this paragraph ~~may~~ must be included on
 17.25 ~~any a contract, statement, or other document~~ which the funeral provider would ~~otherwise~~
 17.26 ~~provide~~ give at the conclusion of discussion of at-need arrangements.

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

17.30 ~~(h)~~ (g) Upon receiving actual notice of the death of an individual with whom a
 17.31 funeral provider has entered a preneed funeral agreement, the funeral provider must
 17.32 provide a copy of all preneed funeral agreement documents to the person who controls
 17.33 final disposition of the human remains or to the designee of the person controlling
 17.34 disposition. The person controlling final disposition shall be provided with these
 17.35 documents at the time of the person's first in-person contact with the funeral provider, if
 17.36 the first contact occurs in person at a funeral establishment, crematory, or other place

18.1 of business of the funeral provider. If the contact occurs by other means or at another
 18.2 location, the documents must be provided within 24 hours of the first contact.

18.3 Sec. 40. Minnesota Statutes 2006, section 149A.71, subdivision 4, is amended to read:

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

18.18 Sec. 41. Minnesota Statutes 2006, section 149A.72, subdivision 4, is amended to read:

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

18.29 Sec. 42. Minnesota Statutes 2006, section 149A.74, subdivision 1, is amended to read:

18.30 Subdivision 1. **Services provided without prior approval; deceptive acts**
 18.31 **or practices.** In selling or offering to sell funeral goods or funeral services to the
 18.32 public, it is a deceptive act or practice for any funeral provider to embalm a dead
 18.33 human body unless state or local law or regulation requires embalming in the particular

19.1 circumstances regardless of any funeral choice which might be made, or prior approval
 19.2 for embalming has been obtained from an individual legally authorized to make such a
 19.3 decision, ~~or the funeral provider is unable to contact the legally authorized individual~~
 19.4 ~~after exercising due diligence, has no reason to believe the legally authorized individual~~
 19.5 ~~does not want embalming performed, and obtains subsequent approval for embalming~~
 19.6 ~~already performed.~~ In seeking approval to embalm, the funeral provider must disclose
 19.7 that embalming is not required by law except in certain circumstances; that a fee will be
 19.8 charged if a funeral is selected which requires embalming, such as a funeral with viewing;
 19.9 and that no embalming fee will be charged if the family selects a service which does not
 19.10 require embalming, such as direct cremation or immediate burial.

19.11 Sec. 43. Minnesota Statutes 2006, section 149A.80, subdivision 1, is amended to read:

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

19.24 Sec. 44. Minnesota Statutes 2006, section 149A.80, subdivision 2, is amended to read:

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

19.30 (1) the person or persons appointed in a dated written instrument signed by the
 19.31 decedent. Written instrument includes, but is not limited to, a health care directive
 19.32 executed under chapter 145C. Written instrument does not include a durable or nondurable
 19.33 power of attorney which terminates on the death of the principal pursuant to sections
 19.34 523.08 and 523.09;

20.1 (2) the surviving, legally recognized spouse;

20.2 (3) a majority of the surviving biological or adopted child or children of the decedent
20.3 over the age of majority, provided that, in the absence of actual knowledge to the contrary,
20.4 a funeral director or mortician may rely on instructions given by the child or children who
20.5 represent that they are the sole surviving child, or that they constitute a majority of the
20.6 surviving children;

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

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

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

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

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

20.20 Sec. 45. Minnesota Statutes 2006, section 149A.80, subdivision 3, is amended to read:

20.21 Subd. 3. **Estranged persons.** An estranged person gives up their rights according to
20.22 subdivision 2, clauses (1) to (6). Where there is only one person in a degree of relationship
20.23 to the decedent described in subdivision 2, clauses (1) to (6), and a district court pursuant
20.24 to subdivision 5, determines that the person and the decedent were estranged at the time
20.25 of death, the right to control and the duty of disposition shall devolve to the person or
20.26 persons in the next degree of relationship pursuant to subdivision 2, clauses (1) to (6). For
20.27 purposes of this subdivision, "estranged" means having a relationship characterized by
20.28 mutual enmity, hostility, or indifference.

20.29 Sec. 46. Minnesota Statutes 2006, section 149A.90, subdivision 1, is amended to read:

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

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

21.4 Sec. 47. Minnesota Statutes 2006, section 149A.90, subdivision 3, is amended to read:

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

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

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

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

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

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

21.18 ~~(6) when the decedent was an inmate of a public institution who was not hospitalized~~
 21.19 ~~for organic disease.~~

21.20 All sudden or unexpected deaths and all deaths that may be due entirely or in part to
 21.21 any factor other than natural disease processes must be promptly reported to the coroner or
 21.22 medical examiner for evaluation. Sufficient information must be provided to the coroner
 21.23 or medical examiner. Reportable deaths include, but are not limited to:

21.24 (1) unnatural deaths, including violent deaths arising from homicide, suicide, or
 21.25 accident;

21.26 (2) deaths due to a fire or associated with burns or chemical, electrical, or radiation
 21.27 injury;

21.28 (3) unexplained or unexpected perinatal and postpartum maternal deaths;

21.29 (4) deaths under suspicious, unusual, or unexpected circumstances;

21.30 (5) deaths of persons whose bodies are to be cremated or otherwise disposed of so
 21.31 that the bodies will later be unavailable for examination;

21.32 (6) deaths of inmates of public institutions and persons in custody of law
 21.33 enforcement officers who have not been hospitalized primarily for organic disease;

21.34 (7) deaths that occur during, in association with, or as the result of diagnostic,
 21.35 therapeutic, or anesthetic procedures;

- 22.1 (8) deaths due to culpable neglect;
- 22.2 (9) stillbirths of 20 weeks or longer gestation unattended by a physician;
- 22.3 (10) sudden deaths of persons not affected by recognizable disease;
- 22.4 (11) unexpected deaths of persons notwithstanding a history of underlying disease;
- 22.5 (12) deaths in which a fracture of a major bone such as a femur, humerus, or tibia
- 22.6 has occurred within the past six months;
- 22.7 (13) deaths unattended by a physician occurring outside of a licensed health care
- 22.8 facility or licensed residential hospice program;
- 22.9 (14) deaths of persons not seen by their physician within 120 days of demise;
- 22.10 (15) deaths of persons occurring in an emergency department;
- 22.11 (16) stillbirths or deaths of newborn infants in which there has been maternal use of
- 22.12 or exposure to unprescribed controlled substances including street drugs or in which there
- 22.13 is history or evidence of maternal trauma;
- 22.14 (17) unexpected deaths of children;
- 22.15 (18) solid organ donors;
- 22.16 (19) unidentified bodies;
- 22.17 (20) skeletonized remains;
- 22.18 (21) deaths occurring within 24 hours of arrival at a health care facility if death
- 22.19 is unexpected;
- 22.20 (22) deaths associated with the decedent's employment;
- 22.21 (23) deaths of nonregistered hospice patients or patients in nonlicensed hospice
- 22.22 programs; and
- 22.23 (24) deaths attributable to acts of terrorism.

22.24 Sec. 48. Minnesota Statutes 2006, section 149A.90, subdivision 4, is amended to read:

22.25 Subd. 4. **Documentation Certificate of removal.** No dead human body shall be

22.26 removed from the place of death by a mortician or funeral director without the completion

22.27 of a certificate of removal certification and, where possible, presentation of a copy of that

22.28 ~~certification~~ certificate to the person or a representative of the legal entity with physical or

22.29 legal custody of the body at the death site. The certificate of removal certification ~~may~~

22.30 shall be on a form in the format provided by the commissioner ~~or on any other form~~ that

22.31 contains, at least, the following information:

- 22.32 (1) the name of the deceased, if known;
- 22.33 (2) the date and time of removal;
- 22.34 (3) a brief listing of the type and condition of any personal property removed with
- 22.35 the body;

23.1 (4) the location to which the body is being taken;

23.2 (5) the name, business address, and license number of the individual making the
23.3 removal; and

23.4 (6) the signatures of the individual making the removal and, where possible, the
23.5 individual or representative of the legal entity with physical or legal custody of the body at
23.6 the death site.

23.7 Sec. 49. Minnesota Statutes 2006, section 149A.90, subdivision 5, is amended to read:

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

23.22 Sec. 50. Minnesota Statutes 2006, section 149A.90, subdivision 6, is amended to read:

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

23.32 Sec. 51. Minnesota Statutes 2006, section 149A.90, subdivision 7, is amended to read:

- 24.1 Subd. 7. **Conveyances permitted for removal.** A dead human body may be
 24.2 transported from the place of death by any vehicle that meets the following standards:
- 24.3 (1) promotes respect for and preserves the dignity of the dead human body;
- 24.4 (2) shields the body from being viewed from outside of the conveyance;
- 24.5 (3) has ample enclosed area to accommodate an ambulance cot or aircraft ambulance
 24.6 stretcher in a horizontal position;
- 24.7 (4) is so designed to permit loading and unloading of the body without excessive
 24.8 tilting of the cot or stretcher; ~~and~~
- 24.9 (5) if used for the transportation of more than one dead human body at one time,
 24.10 the vehicle must be designed so that a body or container does not rest directly on top
 24.11 of another body or container and that each body or container is secured to prevent the
 24.12 body or container from excessive movement within the conveyance. A dead human
 24.13 body measuring 36 inches or less in length may be transported from the place of death
 24.14 by passenger automobile. For purposes of this subdivision, a passenger automobile
 24.15 is a vehicle designed and used for carrying not more than ten persons, but excludes
 24.16 motorcycles and motor scooters; and
- 24.17 (6) is designed so that the driver and the dead human body are in the same cab.

24.18 Sec. 52. Minnesota Statutes 2006, section 149A.90, subdivision 8, is amended to read:

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

24.25 Sec. 53. Minnesota Statutes 2006, section 149A.91, subdivision 2, is amended to read:

- 24.26 Subd. 2. **Preparation procedures; access to preparation room.** The preparation
 24.27 of a dead human body for final disposition shall be performed in privacy. No person shall
 24.28 be permitted to be present in the preparation room while a dead human body is being
 24.29 embalmed, washed, or otherwise prepared for final disposition, except:
- 24.30 (1) licensed morticians ~~or funeral directors and their authorized agents and~~
 24.31 ~~employees~~;
- 24.32 (2) registered interns or students as described in subdivision 6;
- 24.33 (3) public officials or representatives in the discharge of their official duties;
- 24.34 (4) licensed medical personnel; and

25.1 (5) members of the immediate family of the deceased, their designated
 25.2 representatives, and any person receiving written authorization to be present. The written
 25.3 authorization must be dated and signed by the person or persons with legal right to control
 25.4 the disposition and must be presented to the mortician or intern ~~or practicum student~~ who
 25.5 will be performing the procedure. The written authorization shall become part of the
 25.6 required records pursuant to subdivision 10.

25.7 Sec. 54. Minnesota Statutes 2006, section 149A.91, subdivision 3, is amended to read:

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

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

25.12 (2) if final disposition will not be accomplished within 72 hours after death or
 25.13 release of the body by a competent authority with jurisdiction over the body or the body
 25.14 will be lawfully stored for final disposition in the future, except as provided in section
 25.15 149A.94, subdivision 1;

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

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

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

25.25 Sec. 55. Minnesota Statutes 2006, section 149A.91, subdivision 5, is amended to read:

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

25.28 (1) the date of the authorization;

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

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

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

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

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

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

26.9 Sec. 56. Minnesota Statutes 2006, section 149A.91, subdivision 6, is amended to read:

26.10 Subd. 6. **Mortician required.** Embalming of a dead human body shall be performed
 26.11 only by an individual holding a license to practice mortuary science in Minnesota, a
 26.12 registered intern pursuant to section 149A.20, subdivision 6, or a student registered for a
 26.13 practicum or clinical through an accredited college or university or a college of funeral
 26.14 service education accredited by the American Board of Funeral Service Education. An
 26.15 individual who holds a funeral director only license issued pursuant to section 149A.40,
 26.16 subdivision 2, is prohibited from engaging in the embalming of a dead human body.

26.17 Sec. 57. Minnesota Statutes 2006, section 149A.91, subdivision 10, is amended to read:

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

26.22 (1) the name of the decedent and the date of death;

26.23 (2) the date the funeral establishment took physical custody of the body and, if
 26.24 applicable, the name of the person releasing the body to the custody of the funeral
 26.25 establishment;

26.26 (3) the reason for embalming the body;

26.27 (4) the name, address, and relationship to the decedent of the person who authorized
 26.28 the embalming of the body;

26.29 (5) the date the body was embalmed, including the time begun and the time of
 26.30 completion;

26.31 (6) the name, license number, and signature of the mortician who performed or
 26.32 personally supervised the intern or student who performed the embalming;

27.1 (7) the name, permit number, if applicable, and signature of any intern or practicum
 27.2 student or clinical student that participates in the embalming of a body, whether the intern
 27.3 or practicum student or clinical student performs part or all of the embalming; and

27.4 (8) the original written authorization to embalm and any other supporting
 27.5 documentation that establishes the legal right of the funeral establishment to physical
 27.6 custody of the body and to embalm the body.

27.7 Sec. 58. Minnesota Statutes 2006, section 149A.92, subdivision 2, is amended to read:

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

27.13 Sec. 59. Minnesota Statutes 2006, section 149A.92, subdivision 6, is amended to read:

27.14 Subd. 6. **Minimum requirements; equipment and supplies.** The preparation
 27.15 and embalming room must have a ~~preparation and embalming table and a functional~~
 27.16 ~~aspirator, eye wash, and quick drench shower.~~ The preparation and embalming table
 27.17 ~~shall have a nonporous top, preferably of rustproof metal or porcelain, with raised edges~~
 27.18 ~~around the top of the entire table and a drain opening at the lower end.~~ Where embalmings
 27.19 are actually performed in the room, the room must be equipped with a preparation and
 27.20 embalming table, a functional method for injection of fluids, ~~an eye wash station,~~ and
 27.21 sufficient supplies and instruments for normal operation. The preparation and embalming
 27.22 table shall have a nonporous top of rustproof metal or porcelain, with raised edges around
 27.23 the top of the entire table and a drain opening at the lower end. All supplies must be stored
 27.24 and used in accordance with all applicable state and federal regulations for occupational
 27.25 health and safety.

27.26 Sec. 60. Minnesota Statutes 2006, section 149A.93, subdivision 1, is amended to read:

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

27.32 Sec. 61. Minnesota Statutes 2006, section 149A.93, subdivision 2, is amended to read:

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

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

28.6 Sec. 62. Minnesota Statutes 2006, section 149A.93, is amended by adding a
 28.7 subdivision to read:

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

28.21 Sec. 63. Minnesota Statutes 2006, section 149A.93, subdivision 3, is amended to read:

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

28.25 Sec. 64. Minnesota Statutes 2006, section 149A.93, subdivision 6, is amended to read:

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

- 28.30 (1) promotes respect for and preserves the dignity of the dead human body;
- 28.31 (2) shields the body from being viewed from outside of the conveyance;

29.1 (3) has ample enclosed area to accommodate a regulation ambulance cot, aircraft
 29.2 ambulance stretcher, casket, alternative container, or cremation container in a horizontal
 29.3 position;

29.4 (4) is designed to permit loading and unloading of the body without excessive tilting
 29.5 of the casket, alternative container, or cremation container; ~~and~~

29.6 (5) if used for the transportation of more than one dead human body at one time,
 29.7 the vehicle must be designed so that a body or container does not rest directly on top of
 29.8 another body or container and that each body or container is secured to prevent the body
 29.9 or container from excessive movement within the conveyance; and

29.10 (6) is designed so that the driver and the dead human body are in the same cab.

29.11 Sec. 65. Minnesota Statutes 2006, section 149A.93, subdivision 8, is amended to read:

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

29.26 Sec. 66. Minnesota Statutes 2006, section 149A.94, subdivision 1, is amended to read:

29.27 Subdivision 1. **Generally.** Every dead human body lying within the state, except
 29.28 those delivered for dissection pursuant to section 525.9213, those delivered for anatomical
 29.29 study pursuant to section 149A.81, subdivision 2, or lawfully carried through the state
 29.30 for the purpose of disposition elsewhere; and the remains of any dead human body after
 29.31 dissection or anatomical study, shall be decently buried, entombed, or cremated, within a
 29.32 reasonable time after death. Where final disposition of a body will not be accomplished
 29.33 within 72 hours following death or release of the body by a competent authority with
 29.34 jurisdiction over the body, the body must be properly embalmed or refrigerated. A body

30.1 may not be kept in refrigeration for a period exceeding six calendar days from the time of
 30.2 death or release of the body from the coroner or medical examiner. For purposes of this
 30.3 section, refrigeration is not considered a form of preservation or disinfection and does not
 30.4 alter the 72-hour requirement, except as provided in subdivision 2.

30.5 Sec. 67. Minnesota Statutes 2006, section 149A.94, subdivision 3, is amended to read:

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

30.11 Sec. 68. Minnesota Statutes 2006, section 149A.95, subdivision 2, is amended to read:

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

30.20 Sec. 69. Minnesota Statutes 2006, section 149A.95, subdivision 4, is amended to read:

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

30.26 (1) the name of the deceased and the date of death;

30.27 (2) a statement authorizing the crematory to cremate the body;

30.28 (3) the name, address, relationship to the deceased, and signature of the person or
 30.29 persons with legal right to control final disposition or a legal designee;

30.30 (4) certification that the body does not contain any implanted mechanical or
 30.31 radioactive device, such as a heart pacemaker, that may create a hazard when placed in
 30.32 the cremation chamber;

31.1 (5) authorization to remove the body from the container in which it was delivered, if
 31.2 that container is not appropriate for cremation, and to place the body in an appropriate
 31.3 cremation container and directions for the disposition of the original container;

31.4 (6) authorization to open the cremation chamber and reposition the body to facilitate
 31.5 a thorough cremation and to remove from the cremation chamber and separate from the
 31.6 cremated remains, any noncombustible materials or items;

31.7 (7) directions for the disposition of any noncombustible materials or items recovered
 31.8 from the cremation chamber;

31.9 (8) acknowledgment that the cremated remains will be mechanically reduced to
 31.10 a granulated appearance and placed in an appropriate container and authorization to
 31.11 place any cremated remains that a selected urn or container will not accommodate into a
 31.12 temporary container;

31.13 (9) acknowledgment that, even with the exercise of reasonable care, it is not possible
 31.14 to recover all particles of the cremated remains and that some particles may inadvertently
 31.15 become commingled with disintegrated chamber material and particles of other cremated
 31.16 remains that remain in the cremation chamber or other mechanical devices used to process
 31.17 the cremated remains; and

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

31.19 Sec. 70. Minnesota Statutes 2006, section 149A.95, subdivision 6, is amended to read:

31.20 Subd. 6. **Acceptance of delivery of body.** No dead human body shall be accepted
 31.21 for final disposition by cremation unless encased in an appropriate cremation container ~~or~~
 31.22 casket, wrapped in an impermeable sheet or pouch of five millimeters or more thickness,
 31.23 accompanied by a disposition permit issued pursuant to section 149A.93, subdivision 3,
 31.24 including a photocopy of the completed death record or a signed release authorizing
 31.25 cremation of the body received from the coroner or medical examiner, and accompanied
 31.26 by a cremation authorization that complies with subdivision 4. A crematory ~~may~~ shall
 31.27 refuse to accept delivery of a cremation container where there is:

31.28 (1) evidence of leakage of fluids from the ~~body~~ cremation container;

31.29 (2) a known dispute concerning cremation of the body delivered;

31.30 (3) a reasonable basis for questioning any of the representations made on the written
 31.31 authorization to cremate; or

31.32 (4) any other lawful reason.

31.33 Sec. 71. Minnesota Statutes 2006, section 149A.95, is amended by adding a
 31.34 subdivision to read:

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

32.3 Sec. 72. Minnesota Statutes 2006, section 149A.95, subdivision 7, is amended to read:

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

32.14 Sec. 73. Minnesota Statutes 2006, section 149A.95, subdivision 9, is amended to read:

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

32.19 Sec. 74. Minnesota Statutes 2006, section 149A.95, subdivision 13, is amended to read:

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

32.30 Sec. 75. Minnesota Statutes 2006, section 149A.95, subdivision 14, is amended to read:

32.31 Subd. 14. **Cremation procedures; processing cremated remains.** The cremated
32.32 human remains shall be reduced by a motorized mechanical device to a granulated

33.1 appearance appropriate for final disposition and placed in a cremated remains container
 33.2 along with the appropriate identifying disk, tab, or permanent label.

33.3 Sec. 76. Minnesota Statutes 2006, section 149A.95, subdivision 15, is amended to read:

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

33.13 Sec. 77. Minnesota Statutes 2006, section 149A.95, subdivision 20, is amended to read:

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

33.17 (1) the name of the person or funeral establishment delivering the body for cremation;

33.18 (2) the name of the deceased and the identification number assigned to the body;

33.19 (3) the date of acceptance of delivery;

33.20 (4) the names of the cremation chamber and mechanical processor operator;

33.21 (5) the time and date that the body was placed in and removed from the cremation
 33.22 chamber;

33.23 (6) the time and date that processing and inurnment of the cremated remains was
 33.24 completed;

33.25 (7) the time, date, and manner of release of the cremated remains;

33.26 (8) the name and address of the person who signed the authorization to cremate; ~~and~~

33.27 (9) all supporting documentation, including any transit or disposition permits, a
 33.28 photocopy of the death record, and the authorization to cremate; and

33.29 (10) the type of cremation container.

33.30 Sec. 78. Minnesota Statutes 2006, section 149A.96, subdivision 1, is amended to read:

33.31 Subdivision 1. **Written authorization.** Except as provided in this section, no dead
 33.32 human body or human remains shall be disinterred and reinterred without the written
 33.33 authorization of the person or persons legally entitled to control the body or remains and a

34.1 disinterment-reinterment permit properly issued by the ~~state registrar~~ commissioner or a
34.2 licensed mortician. Permits shall contain the information required on the permit form as
34.3 furnished by the commissioner.

34.4 Sec. 79. **REPEALER.**

34.5 Minnesota Statutes 2006, sections 149A.93, subdivision 9; and 149A.94, subdivision
34.6 2, are repealed.