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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1888**

03/04/2021 Authored by Huot and Rasmusson
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; authorizing unlicensed individuals to perform certain functions
1.3 related to mortuary science; amending Minnesota Statutes 2020, sections 149A.01,
1.4 subdivision 3; 149A.20, subdivision 1; 149A.90, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2020, section 149A.01, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

2.5 (d) An unlicensed person operating under the supervision of a licensed mortician or
 2.6 licensed funeral director may take charge of a dead human body or remove it from the place
 2.7 of death, provided the unlicensed person is trained by the supervising mortician or funeral
 2.8 director to perform these activities.

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

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

2.19 ~~(f)~~ (g) An unlicensed person not operating under the supervision of a licensed mortician
 2.20 or licensed funeral director may arrange for and direct or supervise a memorial service if
 2.21 that person or that person's employer does not have charge of the dead human body. An
 2.22 unlicensed person governed by this paragraph may not take charge of the dead human body,
 2.23 unless that person has the right to control the dead human body under section 149A.80,
 2.24 subdivision 2, or is that person's noncompensated designee.

2.25 (h) An unlicensed person operating under the supervision of a licensed mortician or
 2.26 licensed funeral director may arrange, direct, or supervise a funeral, memorial service, or
 2.27 graveside service, provided the unlicensed person is trained by the supervising mortician
 2.28 or funeral director to perform these activities.

2.29 Sec. 2. Minnesota Statutes 2020, section 149A.20, subdivision 1, is amended to read:

2.30 Subdivision 1. **License required.** Except as provided in section 149A.01, subdivision
 2.31 3, any person who takes charge of or removes from the place of death a dead human body,
 2.32 or prepares a dead human body for final disposition in any manner, or arranges, directs, or
 2.33 supervises a funeral, memorial service, or graveside service must possess a valid license to

3.1 practice mortuary science issued by the commissioner. A funeral establishment may provide
3.2 ~~a nonlicensed~~ an unlicensed individual to direct or supervise a memorial service or an
3.3 unlicensed individual operating under the supervision of a licensed mortician or licensed
3.4 funeral director to arrange, direct, or supervise a funeral, memorial service, or graveside
3.5 service, provided they disclose that information to the person or persons with the authority
3.6 to make the funeral arrangement as provided in section 149A.80.

3.7 Sec. 3. Minnesota Statutes 2020, section 149A.90, subdivision 4, is amended to read:

3.8 Subd. 4. **Certificate of removal.** No dead human body shall be removed from the place
3.9 of death by a mortician or funeral director, by an unlicensed person operating under the
3.10 supervision of a mortician or funeral director, or by a noncompensated person with the right
3.11 to control the dead human body without the completion of a certificate of removal and,
3.12 where possible, presentation of a copy of that certificate to the person or a representative
3.13 of the legal entity with physical or legal custody of the body at the death site. The certificate
3.14 of removal shall be in the format provided by the commissioner that contains, at least, the
3.15 following information:

3.16 (1) the name of the deceased, if known;

3.17 (2) the date and time of removal;

3.18 (3) a brief listing of the type and condition of any personal property removed with the
3.19 body;

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

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

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