

solidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," is hereby amended to read as follows:

Section 902. Certifications of Reports of Viewers; *Ordinances, Petitions, Agreements and Resolutions Laying Out or Vacating Public Roads.*—Upon the confirmation by the court of quarter sessions, of the report of any jury of view laying out or vacating a public road, it shall be the duty of the clerk of said court to immediately certify a copy of said report, with the accompanying draft, and the action of the court on the report of the viewers, to the department. For such services, the clerk of the court shall receive from the department the sum of three dollars and fifty cents (\$3.50) for each certification.

*Upon the approval of any petition, or upon the filing with the clerk of the court of quarter sessions any ordinance, agreement or resolution laying out or vacating a public road in a second class township, it shall be the duty of the township supervisors to immediately submit a copy of said petition, ordinance, agreement or resolution, with the accompanying draft and the final action on each such matter to the department.*

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE

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No. 522

AN ACT

To provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure and registration of persons and registration of corporations engaging in the care, preparation and disposition of the bodies of deceased persons, and providing penalties; providing for a State Board of Funeral Directors in the Department of Health; and repealing other laws.

"Funeral Director Law."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the "Funeral Director Law."

Section 2. Definitions.—The following terms as used in this act shall, unless the context indicates otherwise, have the following meanings:

(1) The term "funeral director" shall include any person engaged in the profession of a funeral director or undertaking or the care, embalming, disposition or burial of the bodies of deceased persons, in his or her own name

and on his or her own account, whether such persons shall use the title of "undertaker," "undertaker and embalmer," "embalmer," "funeral director," "mortician," or other term.

(2) The word "board" shall mean State Board of Undertakers in the Department of Health, hereby renamed the State Board of Funeral Directors.

(3) The word "department" shall mean the Department of Health of this Commonwealth.

(4) The term "resident trainee" shall mean any person operating under or with a funeral director for the purpose of learning such business or profession, to the end that he may become a licensed funeral director. The term shall also include a student apprentice serving as such on the effective date of this act under any law repealed hereby.

(5) The word "preceptor" shall mean a licensed funeral director under or with whom a resident trainee is registered and operates.

(6) The term "school of embalming" shall mean a school of embalming or mortuary science approved by the board and offering a course of actual class work in didactic and laboratory studies.

Section 3. Application for License; Qualifications of Applicants.—(a) Any person not holding a license to practice the profession of a funeral director and desiring to practice such profession in this Commonwealth shall make application for examination and licensure to the board, upon a form furnished by it, and shall accompany the application by such fee as may be fixed by the department.

(b) Each applicant shall be a citizen of the United States, at least twenty-one (21) years of age, and a graduate of an approved high school of this Commonwealth or have an education equivalent thereto under the rules and regulations of the board.

(c) In addition thereto, each applicant shall have successfully completed a course of actual class work in didactic and laboratory studies in a school of embalming for a period to be fixed by the board at not less than nine hundred (900) hours nor more than twenty-four hundred (2400) hours, and shall have completed two years as a resident trainee.

Each applicant applying during the period from the first day of September, one thousand nine hundred fifty-three, to the thirty-first day of August, one thousand nine hundred fifty-five, shall have successfully completed one year of academic work at a college or university accredited by the Department of Public Instruction, and a course of actual class work in didactic and laboratory

studies in a school of embalming for a period to be fixed by the board at not less than nine hundred (900) hours nor more than twenty-four hundred (2400) hours, and shall have completed one year as a resident trainee.

Each applicant applying after the thirty-first day of August, one thousand nine hundred fifty-five, shall have successfully completed two years of academic work at a college or university accredited by the Department of Public Instruction, and a course of actual class work in didactic and laboratory studies in a school of embalming for a period to be fixed by the board at not less than six hundred (600) hours nor more than twenty-four hundred (2400) hours, and shall have completed six months as a resident trainee.

No more than an average of one hundred (100) hours of embalming or mortuary school training shall be given or required in any calendar month of any one year.

(d) Integration and coordination of all educational requirements, including any academic work at a college or university or actual class work in didactic and laboratory studies in a school of embalming, shall be permitted and shall be encouraged under any rules or regulations that the board shall make.

(e) Except in the case of a resident trainee who has registered with the board and has begun his training period before the effective date of this act, the required period as a resident trainee shall, in each case, be served after the applicant has fulfilled his educational requirements.

(f) The requirements of a resident trainee, as to maximum and minimum hours, the number of cases to be handled, and the training and duties included and excluded, shall be fixed by rules and regulations of the board. They shall in all cases include a requirement that each resident trainee shall completely embalm at least twenty-five (25) bodies.

(g) Any person applying for examination and licensure before the first day of January, one thousand nine hundred fifty-three, may offer, in lieu of the foregoing educational requirements, fifteen or more years' experience as an apprentice to a licensed undertaker or funeral director; and such person, until he shall have taken and passed the examination, shall be considered a resident trainee.

Any person, having the qualifications prescribed by subsection (b) of this section, registered as a student apprentice under the provisions of existing law or enrolled as a student in a school of embalming prior to the effective date of this act and who has continuously thereafter served as a student apprentice or continued

his studies in a school of embalming, or either, shall be entitled to take the examination for license to practice as a funeral director after he has had practical experience in the business or profession of funeral directing for two years continuously as a resident trainee and has completely embalmed at least twenty-five (25) bodies.

Section 4. Registration of Student Trainees.—Every applicant, upon entering the school of embalming, shall register with the board annually, in such manner as may be provided by the board, and shall pay such registration fee as shall be fixed by the department. The secretary of the board shall keep a separate register of applicants in training, containing their names, ages, residences, where they attended school, the licensed funeral directors with whom they are associated or the embalming school they are attending, and such other information as the board may direct and as provided for by this act.

Any applicant, registered as a student of any licensed funeral director or embalming school, who changes his preceptor or school, shall immediately re-register and pay such additional fee as may be fixed by the department. Every funeral director with whom a resident trainee is registered shall immediately notify the board of the termination of such relation.

The preceptor to the resident trainee must comply with the qualifications and duties as set forth by the rules and regulations of the board, which is given the authority to set standards and limit the number of student trainees with each preceptor.

Section 5. Examinations.—The board shall fix the times and places of examinations and shall give notice thereof to each applicant entitled to take the examination. If the board shall find, upon examination, that the applicant is of good moral character and is possessed of skill and knowledge of sanitation, preservation of the dead, disinfecting the bodies of deceased persons, the apartment, clothing and bedding, in case of death from infectious or contagious diseases, and has sufficient knowledge, experience and training properly to conduct such profession in all its phases, the board shall issue to him, upon payment of such fee as may be fixed by the department, a license to operate as a funeral director, and shall register the applicant as a duly licensed funeral director.

Section 6. Issuance of Licenses.—Licenses shall be issued by and bear the seal of the Department of Health and shall be signed by the president and secretary of the board. Every licensee shall register the fact of the issuance of the license with the board of health, depart-

ment of health or health officer of the municipality or township in which the licensee desires to operate, and shall display his license conspicuously in his place of business approved by the board. Licenses and registration cards and certified copies of either shall be prima facie evidence of all matters covered by them.

Section 7. Restrictions; Preparation Room.—Original licenses under this act (1) shall be granted only to individuals, (2) shall specify by name the person to whom it is issued, and (3) shall designate the particular place approved by the board at which the profession of funeral directing shall be carried on. A license shall authorize the conduct of the profession at the particular place of practice so designated and no other, and only by the particular person designated. A licensed funeral director may move to a new place of practice, which shall be registered with the board.

After the thirty-first day of August, one thousand nine hundred fifty-two, every place in which the profession of funeral directing is carried on shall include a preparation room, constructed in accordance with sanitary standards prescribed by the board, for the protection of the public health. No food shall be served to the public in any place in which the profession of funeral directing is carried on.

Section 8. Conduct of Business.—Only one license shall be granted to or held by an individual, but two or more licensed funeral directors may operate a joint or partnership business at one place only if the business is conducted under the names of all such licensed funeral directors. No funeral director granted an original license under this act shall conduct practice under any other name than the name appearing on his license. No person not licensed under this act shall have any interest in the practice carried on by a licensed funeral director. Upon the death of a licensee, the board, in its discretion, may issue a license and renewal thereof to his estate, only for a period not exceeding three (3) years, or widows of deceased licensees as long as they remain unmarried. The practice carried on by a licensee's estate or widow shall be under the supervision of a licensed funeral director employed on a full time basis, who shall not conduct any other funeral business in his own name nor be directly or indirectly connected with any other funeral establishment.

Section 9. Licensees under Prior Laws and from Other States.—(a) All undertakers' licenses issued under any prior law and being in effect on the effective date of this act shall continue, subject to the provisions of this act as to renewal, suspension and revocation and

to the rules and regulations of the board. Existing licenses to corporations and partnerships and to conduct a practice under a fictitious name shall continue and may be renewed, but no original license shall be issued under this act to any corporation or partnership, nor to conduct a practice under a fictitious name, and no branch licenses shall hereafter be granted.

(b) The board may grant licenses to individuals from other states if (1) the standards for licensing are at least as high as those provided hereby, (2) similar privileges are accorded persons licensed in this Commonwealth, (3) the applicants hold valid licenses from their state of residence, and (4) the terms and conditions prescribed by the board are complied with.

**Section 10. Expiration of Licenses; Renewal.**—All valid funeral directors' licenses granted under this or any prior act shall expire on the first day of February following their issuance or renewal. It shall be the duty of the board, on or before the first day of November of each year, to mail to every licensed funeral director a blank application for renewal of license. Renewal may be effected at any time during the month of January following by the filing of such application with the board together with such renewal fee as may be fixed by the department, with the approval of the board. The board may, at its discretion, renew the license of any funeral director who has failed to make application for renewal before the first day of February.

**Section 11. Refusal; Suspension; Revocation.**—The board, by a majority vote thereof, may refuse to grant, refuse to renew, suspend or revoke a license of any applicant or licensee, whether originally granted under this act or under any prior act, for the following reasons:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain a license.

(2) Violation of the health laws of this Commonwealth.

(3) The conviction of a crime involving moral turpitude.

(4) The use of misleading advertising.

(5) Gross incompetency, negligence or misconduct in the carrying on of the profession.

(6) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board.

(7) Loaning, borrowing or using a license of another, or of knowingly aiding or abetting in any way the granting of improper licenses.

(8) Soliciting patronage other than by legitimate advertisement, or paying a commission or agreeing to pay a commission to any person or persons for soliciting or

for business secured, or paying any gratuity to any person with intent to have such person aid in securing business, or like unprofessional conduct.

Section 12. Procedure.—(a) All actions of the board shall be taken, subject to the right of notice, hearing and adjudication and the right of appeal therefrom, in accordance with the provisions of the Administrative Agency Law, approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), or any amendment or reenactment thereof, relating to adjudication procedure.

(b) Any association of funeral directors or any party in interest shall be entitled to be heard by the board in any proceeding under the Administrative Agency Law. Any association of funeral directors or any person having an interest may, by an action in equity, obtain an injunction to prevent the illegal operation of a person, firm, corporation or establishment in violation of law or the regulations of the board. For such purposes, the court of common pleas of the county where the violations occur or where the defendant may be served shall have jurisdiction.

(c) The board, upon the advice of the Attorney General, may maintain an action in the name of the Commonwealth for an injunction or other process against any person to restrain or prevent his practicing the profession of a funeral director in a public or private capacity. Any such action shall be instituted in the court of common pleas in any county where the alleged unauthorized practice was committed. The court may issue a temporary restraining order or injunction under this act but shall determine any such action on its merits as soon as convenient, whether in term time or in vacation. Appeals from any final decision of the court to the Superior or Supreme Court shall be as in similar cases. No bond shall be required of and no costs shall be taxed against the board on account of any such action. No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action provided by this act for violation thereof or of any rule or regulation of the board promulgated thereunder.

Section 13. Practice Without License; Exceptions.—

(a) No person shall practice as a funeral director, as defined herein, in this Commonwealth unless he holds a valid license so to do as provided in this act.

The provisions of this subsection shall not apply to the following persons when acting under the direction and supervision of a licensed funeral director:

(1) Employees of any cemetery or crematory whose duties or business extend no further.

(2) Persons acting under the orders of commissioned medical officers of any branch of the armed forces of the United States.

(3) Persons disposing of the bodies of deceased persons lawfully placed at the disposition of legally organized medical, surgical or other institutions for the benefit of science.

(4) Persons disposing of the bodies of deceased persons under the authority and direction of the Department of Health of this Commonwealth in times of actual epidemic or public calamity.

(b) No person other than a licensed funeral director or a resident trainee shall prepare or embalm the body of any deceased person.

Section 14. Penal Provisions.—(a) No person shall as an officer of a corporation allow it to practice as a funeral director unless such corporation is duly licensed and qualified so to do under any law repealed hereby and under the rules and regulations of the board.

(b) No person shall lend, sell, buy, give or obtain a license as a funeral director or a registration card issued by the board in any other manner than is provided for in this act, nor offer or attempt so to do.

(c) No person shall attempt to practice under guise of a license or registration card not issued by the board, or under cover of a license or registration card obtained illegally or fraudulently, or which has been revoked or suspended.

Section 15. What Constitutes Practice.—A person, either individually or as a member of a partnership or of a corporation, shall be deemed to be practicing as a funeral director within the meaning and intent of this act who:

(1) holds himself out to the public in any manner as one who is skilled in the knowledge, science and practice of funeral directing, embalming or undertaking, or who advertises himself as an undertaker, mortician or funeral director.

(2) permits, either as lessee, employe, associate, or in any capacity whatsoever, the illegal operation of an establishment or enterprise of any character or description whereby the public is led to believe that therein is offered or available funeral directing or undertaking services or facilities.

Section 16. Duties of Board.—(a) The board shall be charged with the enforcement of this act. It shall be empowered to formulate necessary rules and regulations not inconsistent with this act for the proper conduct of the business or profession of funeral directing and as may be deemed necessary or proper to safeguard the interests of the public and the standards of the profession.



(b) The board shall appoint an inspector or inspectors whose title shall be "Inspector, State Board of Funeral Directors, Commonwealth of Pennsylvania." Such inspectors shall be licensed funeral directors who have been actively engaged in the practice of such profession for at least ten years. Inspectors shall hold office at the pleasure of the board, and shall receive such compensation as shall be fixed by the board with the approval of the department. Inspectors shall be empowered to serve all processes and papers of the board, and shall have the right of entry into any place, where the business or profession of funeral directing is carried on or advertised as being carried on, for the purpose of inspection and for the investigation of complaints coming before the board and for such other matters as the board may direct.

(c) The board shall keep a record of its proceedings and shall maintain a register of the names and addresses of all persons applying for and those receiving licenses and registration cards under this or any prior act. Such register shall be open to public inspection.

Section 17. Penalties.—Any person violating any of the provisions of this act or any rule or regulation of the board promulgated pursuant thereto shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

Section 18. Disposition of Fees.—All fees, fines and penalties specified and imposed under this act or any rule or regulation of the board promulgated pursuant thereto shall be paid into the State Treasury through the Department of Revenue.

Section 19. State Board of Funeral Directors.—There shall be a State Board of Funeral Directors as a departmental administrative board in the Department of Health. The State Board of Funeral Directors shall consist of five persons, who shall be licensed funeral directors of good moral character, and the Secretary of Health ex officio. One member shall be appointed each year for a term of five years, expiring on the thirty-first day of August or until his successor is appointed and qualified. Vacancies shall be filled for the unexpired portion of the term only. The present members of the State Board of Undertakers shall continue as members of the State Board of Funeral Directors until the expiration of their respective terms.

Three members of the board shall constitute a quorum. The board shall select from among their number a chairman and shall elect a secretary who need not be a member of the board. Each member of the board, other

than the Secretary of Health, shall receive fifteen dollars per diem when actually engaged in the transaction of official business. The secretary of the board shall receive such reasonable compensation as the board may determine, with the approval of the Secretary of Health.

Section 20. The provisions of this act are severable, and if any section, subsection, sentence, clause, phrase or requirement of this act shall be held to be unconstitutional, such decisions of the court shall not affect or impair the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause, phrase and requirement thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or requirements be declared unconstitutional.

Constitutionality and severability.

Section 21. The act, approved the tenth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 485), entitled "An act to provide for the better protection of life and health of the citizens of this Commonwealth by requiring and regulating the examination, licensure, and registration of persons, and registration of corporations, engaging in the care, preparation, and disposition of the bodies of deceased persons; and providing penalties, and its amendments, are hereby repealed.

Act of June 10, 1931, P. L. 485, and amendments, repealed.

All other acts and parts of acts are hereby repealed in so far as they are inconsistent herewith.

Inconsistent acts repealed.

Section 22. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE

## No. 523

### AN ACT

To amend section 2001 of the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by changing the provisions relating to protests by property owners to the exercise of zoning powers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2001 of the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as added by the act, approved the tenth day of July, one

"The Second Class Township Code."

Section 2001, act of May 1, 1933, P. L. 103, as added by act of July 10, 1947, P. L. 1481, amended.