

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER

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No. 295

AN ACT

HB 2457

Amending the act of January 14, 1952 (P. L. 1898), entitled, as amended, "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 Public Instruction; and repealing other laws," making editorial corrections and further regulating the preparation for and practice of funeral directors.

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

Section 1. The title and section 2, act of January 14, 1952 (P. L. 1898), known as the "Funeral Director Law," the title and clauses (2) and (3) of section 2 amended August 10, 1959 (P. L. 658), are amended to read:

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 [Public Instruction] State, and repealing other laws.

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 Public Instruction, hereby renamed the State Board of Funeral Directors.

(3) The word "department" shall mean the Department of Public Instruction 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.]

(1) The term "funeral director" shall include any person engaged in the profession of a funeral director or in the care and disposition of the human dead, or in the practice of disinfecting and preparing by embalming the human dead for the funeral service, burial or cremation, or the supervising of the burial, transportation or disposal of deceased human bodies, or in the practice of funeral directing or embalming as presently known, whether under these titles or designation or otherwise. The term "funeral director" shall also mean a person who makes arrangements for funeral service and who sells funeral merchandise to the public incidental to such service or who makes financial arrangements for the rendering of such services and the sale of such merchandise.

(2) The word "board" shall mean State Board of Funeral Directors in the Department of State.

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

(4) The term "resident interne" shall mean any person operating under or with a funeral director for the purpose of learning the 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 term "student trainee" shall mean any person accepted for matriculation at a mortuary college or university specializing

in mortuary subjects which have been approved by the American Board of Funeral Service Education, Inc.

(6) The term "funeral establishment" shall mean every place or premise approved by the State Board of Funeral Directors wherein a licensed funeral director conducts the professional practice of funeral directing including the preparation, care and funeral services for the human dead.

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

(8) The term "school of embalming" shall mean a mortuary college, institute or university offering a course of actual class work in didactic and laboratory studies in a manner accredited by the American Board of Funeral Service Education, Inc.

(9) The term "profession" as used in this act shall mean the aggregate of all funeral service licensees and their duties and responsibilities in connection with the funeral as funeral directors licensed under this act.

(10) The term "advertisement" shall mean the publication, dissemination, circulation or placing before the public, or causing directly or indirectly to be made, published, disseminated or placed before the public any announcement or statement in a newspaper, magazine or other publication, or in the form of a book, notice, stationery, circular, pamphlet, letter, handbill, poster, bill, calendar, sign, placard, cards, labels or tags or over any radio or television station whenever applicable to any rules and regulations approved by the board.

Section 2. The third and fourth paragraphs of subsection (c), and subsections (d), (e), (f), (g) and (h) of section 3, subsection (h) of section 3 amended July 25, 1953 (P. L. 592), are amended to read:

Section 3. Application for License; Qualifications of Applicant.—

\* \* \*

(c) \* \* \*

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,] one year course at a mortuary college or university accredited by the American Board of Funeral Service Education, Inc. and shall have completed [six months] one year as a resident [trainee] interne.

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 and examination procedures, including any academic work at a college or university or actual class work in didactic and laboratory studies in a [school of embalming] mortuary college or university, 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] interne 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] interne shall, in each case, be served after the applicant has fulfilled his educational requirements.

(f) The requirements of a resident [trainee] interne, 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] interne 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] interne.

(h) Any person, having the qualifications prescribed by subsection (b) of this section, registered as a student [apprentice] trainee under the provisions of existing law or enrolled as a student in a school of embalming prior to the first day of January, one thousand nine hundred fifty-three, and who has continuously thereafter served as a student [apprentice] trainee 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] interne and has completely embalmed at least twenty-five (25) bodies.

Section 3. Sections 4, 5, 6, 7, <sup>1</sup> 11 and subsection (b) of section 13 of the act, are amended to read:

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] interne is registered shall immediately notify the board of the termination of such relation.

The preceptor to the resident [trainee] interne 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 time and places of examinations and shall give notice thereof to each applicant entitled to take the examination. The board may, at its discretion, give the examination in two parts: (1) at the time of completion of a course in mortuary science covering knowledge gained from didactic and laboratory studies, and (2) at the completion of the resident internship covering knowledge and skill obtained from practical experience during this period. Each applicant for a license to practice as a funeral director shall be examined orally, clinically, and in writing on the following subjects:

(1) Basic and health sciences including anatomy, chemistry, bacteriology, pathology, hygiene and public health.

<sup>1</sup> "8" in original.

(2) Funeral Service Arts and Sciences including embalming and restorative art.

(3) Funeral service administration including accounting, funeral law, psychology, funeral principles, directing and management.

If the board shall find, upon examination, that the applicant is of good moral character and is possessed of the 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,] herein set forth 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] perform 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] State Board of Funeral Directors and shall be signed by the [president and secretary of the board] Commissioner of Professional and Occupational Affairs.

Every licensee shall register the fact of the issuance of the license with the [board of health, department of health or health officer] Bureau of Vital Statistics and registrar of the municipality or township in which the licensee desires to operate, and shall display his license conspicuously in his [place of business] funeral establishment approved by the board. Licenses and registration cards [and] or 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. This provision shall not prevent a person licensed for the practice of funeral directing from assisting another duly licensed funeral director in the conduct of the profession from his approved funeral establishment nor shall it prevent a person licensed for the practice of the profession from conducting a funeral at a church, a private residence of the deceased, or an approved funeral establish-

ment provided such person maintains a fixed place or establishment of his own approved by the board.

A licensed funeral director may move to a new place of practice, which shall be registered [with] and approved by the board.

After the thirty-first day of August, one thousand nine hundred fifty-two, every [place] establishment in which the profession of funeral directing is carried on shall include a preparation room, containing instruments and supplies necessary for the preparation and embalming of dead human bodies and be constructed in accordance with sanitary standards prescribed by the board, for the protection of the public health.

All areas within an approved establishment must be maintained in a proper and sanitary manner, as determined by the board or State and local ordinances wherever they apply, for the protection of the public.

No food or intoxicating beverages shall be served [to the public in any place] in any funeral establishment in which the profession of funeral directing is carried on. Beverages, if served, must be restricted to a separate room not used for the preparation and conduct of a funeral service. Any facility beyond the confines of such funeral establishment, but directly or indirectly operated by a funeral director for the service of refreshments or food shall be maintained in accordance with State and local health laws and regulations pertaining to public eating places for the protection of the public.

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] other similar unprofessional conduct.

(9) Gross immorality.

(10) Conviction of the violation of any statute, rule or regulation of any state concerning the conduct of the profession beyond the boundaries of this Commonwealth.

(11) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any particular crematory, mausoleum or cemetery.

Section 13. Practice Without License; Exceptions.—\* \* \*

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

\* \* \*

Section 4. Section 13 of the act is amended by adding at the end thereof, a new subsection to read:

Section 13. Practice Without License; Exceptions.—\* \* \*

(d) Tentative funeral arrangements after a death has occurred can be made by an unlicensed member of the funeral home staff in the event the licensed funeral director is temporarily absent.

Section 5. Section 19 of the act, amended August 10, 1959 (P. L. 658), is amended to read:

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 [Public Instruction] State. The State

Board of Funeral Directors shall consist of five persons, who shall be licensed funeral directors of good moral character [, and the Superintendent of Public Instruction ex officio] and who shall also have

been actively engaged in the practice of funeral directing for at least ten years immediately preceding their appointment. The Commis-

sioner of Professional and Occupational Affairs shall be an ex officio member of the said board, acting on behalf of the Secretary of



State. 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 [Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, shall receive [fifteen] thirty dollars per diem when actually engaged in the transaction of official business and said members shall also receive the amount of actual traveling, hotel and other necessary expenses incurred in the performance of their duties under this act. [The secretary of the board shall receive such reasonable compensation as the board may determine, with the approval of the Superintendent of Public Instruction]

Section 6. This act shall take effect immediately.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 296

AN ACT

HB 2514

Amending the act of June 3, 1911 (P. L. 631), entitled "An act to encourage the breeding of horses; to regulate the public service of stallions and jacks; to prevent misrepresentation of same; to require the licensing of stallions and jacks; and to provide for the enforcement thereof," abolishing the requirement of presenting to and recording by prothonotaries of license certificates.

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

Section 1. Section 1, act of June 3, 1911 (P. L. 631), entitled "An act to encourage the breeding of horses; to regulate the public service of stallions and jacks; to prevent misrepresentation of same; to require the licensing of stallions and jacks; and to provide for the