

1.1 **Senator Uke from the Committee on Health and Human Services Finance and**
1.2 **Policy, to which was referred**

1.3 **S.F. No. 1847:** A bill for an act relating to health; authorizing unlicensed individuals to
1.4 perform certain functions related to mortuary science; amending Minnesota Statutes 2020,
1.5 sections 149A.01, subdivision 3; 149A.20, subdivision 1; 149A.90, subdivision 4.

1.6 Reports the same back with the recommendation that the bill be amended as follows:

1.7 Delete everything after the enacting clause and insert:

1.8 "Section 1. Minnesota Statutes 2020, section 149A.01, subdivision 2, is amended to read:

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

1.11 (1) take charge of or remove from the place of death a dead human body;

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

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

1.14 Sec. 2. Minnesota Statutes 2020, section 149A.01, subdivision 3, is amended to read:

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

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

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

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

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

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

1.25 (b) This chapter does not apply to or interfere with the recognized customs or rites of
1.26 any culture or recognized religion in the ceremonial washing, dressing, casketing, and public

1.27 transportation of their dead, to the extent that all other provisions of this chapter are complied
1.28 with.

1.29 (c) Noncompensated persons with the right to control the dead human body, under section

1.30 149A.80, subdivision 2, may remove a body from the place of death; transport the body;

- 2.1 prepare the body for disposition, except embalming; or arrange for final disposition of the
- 2.2 body, provided that all actions are in compliance with this chapter.
- 2.3 (d) Persons serving internships pursuant to section 149A.20, subdivision 6, ~~or~~ students
- 2.4 officially registered for a practicum or clinical through a program of mortuary science
- 2.5 accredited by the American Board of Funeral Service Education, or transfer care specialists
- 2.6 registered pursuant to section 149A.47 are not required to be licensed, provided that the
- 2.7 persons or students are registered with the commissioner and act under the direct and
- 2.8 exclusive supervision of a person holding a current license to practice mortuary science in
- 2.9 Minnesota.
- 2.10 (e) Notwithstanding this subdivision, nothing in this section shall be construed to prohibit
- 2.11 an institution or entity from establishing, implementing, or enforcing a policy that permits
- 2.12 only persons licensed by the commissioner to remove or cause to be removed a dead body
- 2.13 or body part from the institution or entity.
- 2.14 (f) An unlicensed person may arrange for and direct or supervise a memorial service if
- 2.15 that person or that person's employer does not have charge of the dead human body. An
- 2.16 unlicensed person may not take charge of the dead human body, unless that person has the
- 2.17 right to control the dead human body under section 149A.80, subdivision 2, or is that person's
- 2.18 noncompensated designee.
- 2.19 Sec. 3. Minnesota Statutes 2020, section 149A.02, is amended by adding a subdivision to
- 2.20 read:
- 2.21 Subd. 12c. **Dead human body or body.** "Dead human body" or "body" includes an
- 2.22 identifiable human body part that is detached from a human body.
- 2.23 Sec. 4. Minnesota Statutes 2020, section 149A.02, subdivision 13a, is amended to read:
- 2.24 **Subd. 13a. Direct supervision.** "Direct supervision" means overseeing the performance
- 2.25 of an individual. For the purpose of a clinical, practicum, ~~or~~ internship, or registration, direct
- 2.26 supervision means that the supervisor is available to observe and correct, as needed, the
- 2.27 performance of the trainee or registrant. The mortician supervisor is accountable for the
- 2.28 actions of the clinical student, practicum student, ~~or~~ intern, or registrant throughout the
- 2.29 course of the training. The supervising mortician is accountable for any violations of law
- 2.30 or rule, in the performance of their duties, by the clinical student, practicum student, ~~or~~
- 2.31 intern, or registrant.

- 3.1 Sec. 5. Minnesota Statutes 2020, section 149A.02, is amended by adding a subdivision to
- 3.2 read:
- 3.3 Subd. 37d. **Registrant.** "Registrant" means any person who is registered as a transfer
- 3.4 care specialist under section 149A.47.
- 3.5 Sec. 6. Minnesota Statutes 2020, section 149A.02, is amended by adding a subdivision to
- 3.6 read:
- 3.7 Subd. 37e. **Transfer care specialist.** "Transfer care specialist" means an individual who
- 3.8 is registered with the commissioner in accordance with section 149A.47 and is authorized
- 3.9 to perform the removal of a dead human body from the place of death under the direct
- 3.10 supervision of a licensed mortician.
- 3.11 Sec. 7. Minnesota Statutes 2020, section 149A.03, is amended to read:
- 3.12 **149A.03 DUTIES OF COMMISSIONER.**
- 3.13 The commissioner shall:
- 3.14 (1) enforce all laws and adopt and enforce rules relating to the:
- 3.15 (i) removal, preparation, transportation, arrangements for disposition, and final disposition
- 3.16 of dead human bodies;
- 3.17 (ii) licensure, registration, and professional conduct of funeral directors, morticians,
- 3.18 interns, transfer care specialists, practicum students, and clinical students;
- 3.19 (iii) licensing and operation of a funeral establishment;
- 3.20 (iv) licensing and operation of an alkaline hydrolysis facility; and
- 3.21 (v) licensing and operation of a crematory;
- 3.22 (2) provide copies of the requirements for licensure, registration, and permits to all
- 3.23 applicants;
- 3.24 (3) administer examinations and issue licenses, registrations, and permits to qualified
- 3.25 persons and other legal entities;
- 3.26 (4) maintain a record of the name and location of all current licensees, registrants, and
- 3.27 interns;
- 3.28 (5) perform periodic compliance reviews and premise inspections of licensees;
- 3.29 (6) accept and investigate complaints relating to conduct governed by this chapter;

- 4.1 (7) maintain a record of all current preneed arrangement trust accounts;
- 4.2 (8) maintain a schedule of application, examination, permit, registration, and licensure
- 4.3 fees, initial and renewal, sufficient to cover all necessary operating expenses;
- 4.4 (9) educate the public about the existence and content of the laws and rules for mortuary
- 4.5 science licensing and the removal, preparation, transportation, arrangements for disposition,
- 4.6 and final disposition of dead human bodies to enable consumers to file complaints against
- 4.7 licensees and others who may have violated those laws or rules;
- 4.8 (10) evaluate the laws, rules, and procedures regulating the practice of mortuary science
- 4.9 in order to refine the standards for licensing and to improve the regulatory and enforcement
- 4.10 methods used; and
- 4.11 (11) initiate proceedings to address and remedy deficiencies and inconsistencies in the
- 4.12 laws, rules, or procedures governing the practice of mortuary science and the removal,
- 4.13 preparation, transportation, arrangements for disposition, and final disposition of dead
- 4.14 human bodies.

4.15 Sec. 8. Minnesota Statutes 2020, section 149A.09, is amended to read:

4.16 **149A.09 DENIAL; REFUSAL TO REISSUE; REVOCATION; SUSPENSION;**
4.17 **LIMITATION OF LICENSE, REGISTRATION, OR PERMIT.**

- 4.18 Subdivision 1. **Denial; refusal to renew; revocation; and suspension.** The regulatory
- 4.19 agency may deny, refuse to renew, revoke, or suspend any license, registration, or permit
- 4.20 applied for or issued pursuant to this chapter when the person subject to regulation under
- 4.21 this chapter:
- 4.22 (1) does not meet or fails to maintain the minimum qualification for holding a license,₂
- 4.23 registration, or permit under this chapter;
- 4.24 (2) submits false or misleading material information to the regulatory agency in
- 4.25 connection with a license, registration, or permit issued by the regulatory agency or the
- 4.26 application for a license, registration, or permit;
- 4.27 (3) violates any law, rule, order, stipulation agreement, settlement, compliance agreement,
- 4.28 license, registration, or permit that regulates the removal, preparation, transportation,
- 4.29 arrangements for disposition, or final disposition of dead human bodies in Minnesota or
- 4.30 any other state in the United States;
- 4.31 (4) is convicted of a crime, including a finding or verdict of guilt, an admission of guilt,
- 4.32 or a no contest plea in any court in Minnesota or any other jurisdiction in the United States.

- 5.1 "Conviction," as used in this subdivision, includes a conviction for an offense which, if
- 5.2 committed in this state, would be deemed a felony or gross misdemeanor without regard to
- 5.3 its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is
- 5.4 made or returned, but the adjudication of guilt is either withheld or not entered;
- 5.5 (5) is convicted of a crime, including a finding or verdict of guilt, an admission of guilt,
- 5.6 or a no contest plea in any court in Minnesota or any other jurisdiction in the United States
- 5.7 that the regulatory agency determines is reasonably related to the removal, preparation,
- 5.8 transportation, arrangements for disposition or final disposition of dead human bodies, or
- 5.9 the practice of mortuary science;
- 5.10 (6) is adjudicated as mentally incompetent, mentally ill, developmentally disabled, or
- 5.11 mentally ill and dangerous to the public;
- 5.12 (7) has a conservator or guardian appointed;
- 5.13 (8) fails to comply with an order issued by the regulatory agency or fails to pay an
- 5.14 administrative penalty imposed by the regulatory agency;
- 5.15 (9) owes uncontested delinquent taxes in the amount of \$500 or more to the Minnesota
- 5.16 Department of Revenue, or any other governmental agency authorized to collect taxes
- 5.17 anywhere in the United States;
- 5.18 (10) is in arrears on any court ordered family or child support obligations; or
- 5.19 (11) engages in any conduct that, in the determination of the regulatory agency, is
- 5.20 unprofessional as prescribed in section 149A.70, subdivision 7, or renders the person unfit
- 5.21 to practice mortuary science or to operate a funeral establishment or crematory.
- 5.22 **Subd. 2. Hearings related to refusal to renew, suspension, or revocation of license,**
- 5.23 **registration, or permit.** If the regulatory agency proposes to deny renewal, suspend, or
- 5.24 revoke a license, registration, or permit issued under this chapter, the regulatory agency
- 5.25 must first notify, in writing, the person against whom the action is proposed to be taken and
- 5.26 provide an opportunity to request a hearing under the contested case provisions of sections
- 5.27 14.57 to 14.62. If the subject of the proposed action does not request a hearing by notifying
- 5.28 the regulatory agency, by mail, within 20 calendar days after the receipt of the notice of
- 5.29 proposed action, the regulatory agency may proceed with the action without a hearing and
- 5.30 the action will be the final order of the regulatory agency.
- 5.31 **Subd. 3. Review of final order.** A judicial review of the final order issued by the
- 5.32 regulatory agency may be requested in the manner prescribed in sections 14.63 to 14.69.

6.1 Failure to request a hearing pursuant to subdivision 2 shall constitute a waiver of the right
6.2 to further agency or judicial review of the final order.

6.3 Subd. 4. **Limitations or qualifications placed on license, registration, or permit.** The
6.4 regulatory agency may, where the facts support such action, place reasonable limitations
6.5 or qualifications on the right to practice mortuary science or to operate a funeral
6.6 establishment or crematory, or to conduct activities or actions permitted under this chapter.

6.7 Subd. 5. **Restoring license, registration, or permit.** The regulatory agency may, where
6.8 there is sufficient reason, restore a license, registration, or permit that has been revoked,
6.9 reduce a period of suspension, or remove limitations or qualifications.

6.10 Sec. 9. Minnesota Statutes 2020, section 149A.11, is amended to read:

6.11 **149A.11 PUBLICATION OF DISCIPLINARY ACTIONS.**

6.12 The regulatory agencies shall report all disciplinary measures or actions taken to the
6.13 commissioner. At least annually, the commissioner shall publish and make available to the
6.14 public a description of all disciplinary measures or actions taken by the regulatory agencies.
6.15 The publication shall include, for each disciplinary measure or action taken, the name and
6.16 business address of the licensee, registrant, or intern; the nature of the misconduct; and
6.17 the measure or action taken by the regulatory agency.

6.18 Sec. 10. **[149A.47] TRANSFER CARE SPECIALIST.**

6.19 Subdivision 1. **General.** A transfer care specialist may remove a dead human body from
6.20 the place of death under the direct supervision of a licensed mortician if the transfer care
6.21 specialist is registered with the commissioner in accordance with this section. A transfer
6.22 care specialist is not licensed to engage in the practice of mortuary science and shall not
6.23 engage in the practice of mortuary science except as provided in this section.

6.24 Subd. 2. **Registration.** To be eligible for registration as a transfer care specialist, an
6.25 applicant must submit to the commissioner:

6.26 (1) a complete application on a form provided by the commissioner that includes at a
6.27 minimum:

6.28 (i) the applicant's name, home address and telephone number, business name, and business
6.29 address and telephone number; and

6.30 (ii) the name, license number, business name, and business address and telephone number
6.31 of the supervising licensed mortician;

- 7.1 (2) proof of completion of a training program that meets the requirements specified in
- 7.2 subdivision 4; and
- 7.3 (3) the appropriate fees specified in section 149A.65.
- 7.4 Subd. 3. **Duties.** A transfer care specialist registered under this section is authorized to
- 7.5 perform the removal of a dead human body from the place of death in accordance with this
- 7.6 chapter to a licensed funeral establishment. The transfer care specialist must work under
- 7.7 the direct supervision of a licensed mortician. The supervising mortician is responsible for
- 7.8 the work performed by the transfer care specialist. A licensed mortician may supervise up
- 7.9 to six transfer care specialists at any one time.
- 7.10 Subd. 4. **Training program.** (a) Each transfer care specialist must complete a training
- 7.11 program that has been approved by the commissioner. To be approved, a training program
- 7.12 must be at least seven hours long and must cover, at a minimum, the following:
- 7.13 (1) ethical care and transportation procedures for a deceased person;
- 7.14 (2) health and safety concerns to the public and the individual performing the transfer
- 7.15 of the deceased person; and
- 7.16 (3) all relevant state and federal laws and regulations related to the transfer and
- 7.17 transportation of deceased persons.
- 7.18 (b) A transfer care specialist must complete a training program every five years.
- 7.19 Subd. 5. **Registration renewal.** (a) A registration issued under this section expires one
- 7.20 year after the date of issuance and must be renewed to remain valid.
- 7.21 (b) To renew a registration, the transfer care specialist must submit a completed renewal
- 7.22 application as provided by the commissioner and the appropriate fees specified in section
- 7.23 149A.65. Every five years, the renewal application must include proof of completion of a
- 7.24 training program that meets the requirements in subdivision 4.
- 7.25 Sec. 11. Minnesota Statutes 2020, section 149A.60, is amended to read:
- 7.26 **149A.60 PROHIBITED CONDUCT.**
- 7.27 The regulatory agency may impose disciplinary measures or take disciplinary action
- 7.28 against a person whose conduct is subject to regulation under this chapter for failure to
- 7.29 comply with any provision of this chapter or laws, rules, orders, stipulation agreements,
- 7.30 settlements, compliance agreements, licenses, registrations, and permits adopted, or issued
- 7.31 for the regulation of the removal, preparation, transportation, arrangements for disposition

- 8.1 or final disposition of dead human bodies, or for the regulation of the practice of mortuary
- 8.2 science.
- 8.3 Sec. 12. Minnesota Statutes 2020, section 149A.61, subdivision 4, is amended to read:
- 8.4 Subd. 4. **Licenses, registrants, and interns.** A licensee, registrant, or intern regulated
- 8.5 under this chapter may report to the commissioner any conduct that the licensee, registrant,
- 8.6 or intern has personal knowledge of, and reasonably believes constitutes grounds for,
- 8.7 disciplinary action under this chapter.
- 8.8 Sec. 13. Minnesota Statutes 2020, section 149A.61, subdivision 5, is amended to read:
- 8.9 Subd. 5. **Courts.** The court administrator of district court or any court of competent
- 8.10 jurisdiction shall report to the commissioner any judgment or other determination of the
- 8.11 court that adjudges or includes a finding that a licensee, registrant, or intern is a person who
- 8.12 is mentally ill, mentally incompetent, guilty of a felony or gross misdemeanor, guilty of
- 8.13 violations of federal or state narcotics laws or controlled substances acts; appoints a guardian
- 8.14 or conservator for the licensee, registrant, or intern; or commits a licensee, registrant, or
- 8.15 intern.
- 8.16 Sec. 14. Minnesota Statutes 2020, section 149A.62, is amended to read:
- 8.17 **149A.62 IMMUNITY; REPORTING.**

- 8.18 Any person, private agency, organization, society, association, licensee, registrant, or
- 8.19 intern who, in good faith, submits information to a regulatory agency under section 149A.61
- 8.20 or otherwise reports violations or alleged violations of this chapter, is immune from civil
- 8.21 liability or criminal prosecution. This section does not prohibit disciplinary action taken by
- 8.22 the commissioner against any licensee, registrant, or intern pursuant to a self-report of a
- 8.23 violation.

- 8.24 Sec. 15. Minnesota Statutes 2020, section 149A.63, is amended to read:

8.25 **149A.63 PROFESSIONAL COOPERATION.**

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

- 9.1 Sec. 16. Minnesota Statutes 2020, section 149A.65, subdivision 2, is amended to read:
- 9.2 Subd. 2. **Mortuary science fees.** Fees for mortuary science are:
- 9.3 (1) \$75 for the initial and renewal registration of a mortuary science intern;
- 9.4 (2) \$125 for the mortuary science examination;
- 9.5 (3) \$200 for issuance of initial and renewal mortuary science licenses;
- 9.6 (4) \$100 late fee charge for a license renewal; and
- 9.7 (5) \$250 for issuing a mortuary science license by endorsement; and
- 9.8 (6) \$..... for the initial and renewal registration of a transfer care specialist.
- 9.9 Sec. 17. Minnesota Statutes 2020, section 149A.70, subdivision 3, is amended to read:
- 9.10 Subd. 3. **Advertising.** No licensee, registrant, clinical student, practicum student, or
- 9.11 intern shall publish or disseminate false, misleading, or deceptive advertising. False,
- 9.12 misleading, or deceptive advertising includes, but is not limited to:
- 9.13 (1) identifying, by using the names or pictures of, persons who are not licensed to practice
- 9.14 mortuary science in a way that leads the public to believe that those persons will provide
- 9.15 mortuary science services;
- 9.16 (2) using any name other than the names under which the funeral establishment, alkaline
- 9.17 hydrolysis facility, or crematory is known to or licensed by the commissioner;
- 9.18 (3) using a surname not directly, actively, or presently associated with a licensed funeral
- 9.19 establishment, alkaline hydrolysis facility, or crematory, unless the surname had been
- 9.20 previously and continuously used by the licensed funeral establishment, alkaline hydrolysis
- 9.21 facility, or crematory; and
- 9.22 (4) using a founding or establishing date or total years of service not directly or
- 9.23 continuously related to a name under which the funeral establishment, alkaline hydrolysis
- 9.24 facility, or crematory is currently or was previously licensed.
- 9.25 Any advertising or other printed material that contains the names or pictures of persons
- 9.26 affiliated with a funeral establishment, alkaline hydrolysis facility, or crematory shall state
- 9.27 the position held by the persons and shall identify each person who is licensed or unlicensed
- 9.28 under this chapter.

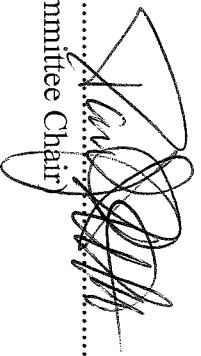
- 10.1 Sec. 18. Minnesota Statutes 2020, section 149A.70, subdivision 4, is amended to read:
- 10.2 Subd. 4. **Solicitation of business.** No licensee shall directly or indirectly pay or cause
- 10.3 to be paid any sum of money or other valuable consideration for the securing of business
- 10.4 or for obtaining the authority to dispose of any dead human body.
- 10.5 For purposes of this subdivision, licensee includes a registered intern or transfer care
- 10.6 specialist or any agent, representative, employee, or person acting on behalf of the licensee.
- 10.7 Sec. 19. Minnesota Statutes 2020, section 149A.70, subdivision 5, is amended to read:
- 10.8 Subd. 5. **Reimbursement prohibited.** No licensee, clinical student, practicum student,
- 10.9 ~~or intern,~~ or transfer care specialist shall offer, solicit, or accept a commission, fee, bonus,
- 10.10 rebate, or other reimbursement in consideration for recommending or causing a dead human
- 10.11 body to be disposed of by a specific body donation program, funeral establishment, alkaline
- 10.12 hydrolysis facility, crematory, mausoleum, or cemetery.
- 10.13 Sec. 20. Minnesota Statutes 2020, section 149A.70, subdivision 7, is amended to read:
- 10.14 Subd. 7. **Unprofessional conduct.** No licensee, registrant, or intern shall engage in or
- 10.15 permit others under the licensee's, registrant's, or intern's supervision or employment to
- 10.16 engage in unprofessional conduct. Unprofessional conduct includes, but is not limited to:
- 10.17 (1) harassing, abusing, or intimidating a customer, employee, or any other person
- 10.18 encountered while within the scope of practice, employment, or business;
- 10.19 (2) using profane, indecent, or obscene language within the immediate hearing of the
- 10.20 family or relatives of the deceased;
- 10.21 (3) failure to treat with dignity and respect the body of the deceased, any member of the
- 10.22 family or relatives of the deceased, any employee, or any other person encountered while
- 10.23 within the scope of practice, employment, or business;
- 10.24 (4) the habitual overindulgence in the use of or dependence on intoxicating liquors,
- 10.25 prescription drugs, over-the-counter drugs, illegal drugs, or any other mood altering
- 10.26 substances that substantially impair a person's work-related judgment or performance;
- 10.27 (5) revealing personally identifiable facts, data, or information about a decedent, customer,
- 10.28 member of the decedent's family, or employee acquired in the practice or business without
- 10.29 the prior consent of the individual, except as authorized by law;
- 10.30 (6) intentionally misleading or deceiving any customer in the sale of any goods or services
- 10.31 provided by the licensee;

- 11.1 (7) knowingly making a false statement in the procuring, preparation, or filing of any
11.2 required permit or document; or
- 11.3 (8) knowingly making a false statement on a record of death.
- 11.4 Sec. 21. Minnesota Statutes 2020, section 149A.90, subdivision 2, is amended to read:
- 11.5 Subd. 2. **Removal from place of death.** No person subject to regulation under this
11.6 chapter shall remove or cause to be removed any dead human body from the place of death
11.7 without being licensed or registered by the commissioner. Every dead human body shall be
11.8 removed from the place of death by a licensed mortician or funeral director, except as
11.9 provided in section 149A.01, subdivision 3, or 149A.47.
- 11.10 Sec. 22. Minnesota Statutes 2020, section 149A.90, subdivision 4, is amended to read:
- 11.11 Subd. 4. **Certificate of removal.** No dead human body shall be removed from the place
11.12 of death by a mortician ~~or~~ funeral director, or transfer care specialist or by a noncompensated
11.13 person with the right to control the dead human body without the completion of a certificate
11.14 of removal and, where possible, presentation of a copy of that certificate to the person or a
11.15 representative of the legal entity with physical or legal custody of the body at the death site.
- 11.16 The certificate of removal shall be in the format provided by the commissioner that contains,
11.17 at least, the following information:
- 11.18 (1) the name of the deceased, if known;
- 11.19 (2) the date and time of removal;
- 11.20 (3) a brief listing of the type and condition of any personal property removed with the
11.21 body;
- 11.22 (4) the location to which the body is being taken;
- 11.23 (5) the name, business address, and license number of the individual making the removal;
11.24 and
- 11.25 (6) the signatures of the individual making the removal and, where possible, the individual
11.26 or representative of the legal entity with physical or legal custody of the body at the death
11.27 site.
- 11.28 Sec. 23. Minnesota Statutes 2020, section 149A.90, subdivision 5, is amended to read:
- 11.29 Subd. 5. **Retention of certificate of removal.** A copy of the certificate of removal shall
11.30 be given, where possible, to the person or representative of the legal entity having physical

- 12.1 or legal custody of the body at the death site. The original certificate of removal shall be
- 12.2 retained by the individual making the removal and shall be kept on file, at the funeral
- 12.3 establishment to which the body was taken, for a period of three calendar years following
- 12.4 the date of the removal. If the removal was performed by a transfer care specialist not
- 12.5 employed by the funeral establishment to which the body was taken, the transfer care
- 12.6 specialist shall retain a copy of the certificate on file at the transfer care specialist's business
- 12.7 address as registered with the commissioner for a period of three calendar years following
- 12.8 the date of removal. Following this period, and subject to any other laws requiring retention
- 12.9 of records, the funeral establishment may then place the records in storage or reduce them
- 12.10 to microfilm, microfiche, laser disc, or any other method that can produce an accurate
- 12.11 reproduction of the original record, for retention for a period of ten calendar years from the
- 12.12 date of the removal of the body. At the end of this period and subject to any other laws
- 12.13 requiring retention of records, the funeral establishment may destroy the records by shredding,
- 12.14 incineration, or any other manner that protects the privacy of the individuals identified in
- 12.15 the records.
- 12.16 Sec. 24. Minnesota Statutes 2020, section 149A.94, subdivision 1, is amended to read:
- 12.17 Subdivision 1. **Generally.** (a) Every dead human body lying within the state, except
- 12.18 unclaimed bodies delivered for dissection by the medical examiner, those delivered for
- 12.19 anatomical study pursuant to section 149A.81, subdivision 2, or lawfully carried through
- 12.20 the state for the purpose of disposition elsewhere; and the remains of any dead human body
- 12.21 after dissection or anatomical study, shall be decently buried or entombed in a public or
- 12.22 private cemetery, alkaline hydrolyzed, or cremated within a reasonable time after death.
- 12.23 Where final disposition of a body will not be accomplished within 72 hours following death
- 12.24 or release of the body by a competent authority with jurisdiction over the body, the body
- 12.25 must be properly embalmed, refrigerated, or packed with dry ice. A body may not be kept
- 12.26 ~~in refrigeration for a period exceeding six calendar days, or~~ packed in dry ice for a period
- 12.27 that exceeds four calendar days, from the time of death or release of the body from the
- 12.28 coroner or medical examiner. A body may be kept in refrigeration for up to 30 calendar
- 12.29 days from the time of death or release of the body from the coroner or medical examiner,
- 12.30 provided the dignity of the body is maintained and the funeral establishment complies with
- 12.31 paragraph (b) if applicable. A body may be kept in refrigeration for more than 30 calendar
- 12.32 days from the time of death or release of the body from the coroner or medical examiner
- 12.33 provided that the dignity of the body is maintained and the funeral establishment complies
- 12.34 with paragraph (c).

- 13.1 (b) For a body to be kept in refrigeration for between 15 and 30 calendar days, the funeral establishment must notify the person who has the right of control over final disposition of
- 13.2 the body no later than the 14th day of keeping the body in refrigeration that the body will
- 13.3 be kept in refrigeration for more than 14 calendar days and that the person has the right to
- 13.4 seek other arrangements.
- 13.5
- 13.6 (c) For a body to be kept in refrigeration for more than 30 calendar days, the funeral
- 13.7 establishment must have complied with paragraph (b) and must submit a report to the
- 13.8 commissioner on a form and in a manner prescribed by the commissioner that includes the
- 13.9 following:
- 13.10 (1) the body identification details as determined by the commissioner;
- 13.11 (2) the funeral establishment's plan to achieve final disposition of the body within the
- 13.12 time frame permitted under paragraph (d); and
- 13.13 (3) any other information required by the commissioner.
- 13.14 (d) Upon the submission of the report required under paragraph (c), the funeral
- 13.15 establishment is authorized to keep a body in refrigeration for an additional 30 calendar
- 13.16 days. Failure to submit this required report may subject the funeral establishment to
- 13.17 administrative enforcement actions authorized under this chapter."
- 13.18 Delete the title and insert:
- 13.19 "A bill for an act
- 13.20 relating to health; providing for registration of transfer care specialists; authorizing
- 13.21 a transfer care specialist to remove a dead human body from the place of death;
- 13.22 providing for refrigeration of dead human bodies for certain time periods; amending
- 13.23 Minnesota Statutes 2020, sections 149A.01, subdivisions 2, 3; 149A.02, subdivision
- 13.24 13a, by adding subdivisions: 149A.03; 149A.09; 149A.11; 149A.60; 149A.61,
- 13.25 subdivisions 4, 5; 149A.62; 149A.63; 149A.65, subdivision 2; 149A.70,
- 13.26 subdivisions 3, 4, 5, 7; 149A.90, subdivisions 2, 4, 5; 149A.94, subdivision 1;
- 13.27 proposing coding for new law in Minnesota Statutes, chapter 149A."
- 13.28 And when so amended the bill do pass and be re-referred to the Committee on Finance.
- 13.29 Amendments adopted. Report adopted.

13.30
13.31



 (Committee Chair)

13.32
13.33

March 23, 2022.....
 (Date of Committee recommendation)