

# House Research Act Summary

**CHAPTER:** 262

**SESSION:** 2010 Regular Session

**TOPIC:** Mortuary Science

**Date:** May 27, 2010

**Analyst:** Emily Cleveland, 651.296.5808

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

---

## Overview

This act modifies provisions related to mortuary science by providing that persons listed in current statute as next-of-kin have the right to control the dead human body; removing certain embalming requirements and permitting refrigeration or use of dry ice; and modifying certain standards for transporting dead bodies.

### Section

- 1**      **Exceptions to licensure.** Amends § 149A.01, subd. 3. Includes public transportation in the list of cultural and religious activities with which this chapter does not interfere. Clarifies that a non-compensated person with the right to control a dead human body refers to the next-of-kin hierarchy provided in Minnesota Statutes, § 149A.80, subd. 2. Modifies a provision related to who may take charge of a dead human body.
- 2**      **Preventive requirements.** Amends § 149A.71, subd. 2. Modifies existing statute on items that must be included in a general price list from a funeral provider, by including that the list must include the retail price for transferring remains to a funeral establishment “or other location.” Current statute includes listing the cost of transferring remains to a funeral establishment.
- 3**      **Embalming provisions; preventive requirements.** Amends § 149A.72, subd. 2. Modifies the disclosure that is required by funeral providers under this section.
- 4**      **Determination of right to control and duty of disposition.** Amends § 149A.80, subd. 2. Gives those persons listed in the next-of-kin hierarchy the right to control the dead human body, rather than the right to control disposition of remains, as is provided in current law.
- 5**      **Certificate of removal.** Amends § 149A.90, subd. 4. Provides that a non-compensated person with the right to control a dead human body must have a completed certificate of

removal in order to remove a body from place of death. Current law refers only to a mortician or funeral director removing a body from place of death.

- 6 **Removal procedure.** Amends § 149A.90, subd. 6. Modifies removal procedures by specifying methods by which a person with the right to control a dead human body, or that person's designee, may remove a body from place of death.
- 7 **Conveyances permitted for removal.** Amends § 149A.90, subd. 7. Modifies the standards required for transporting a dead body. Removes the requirement that the conveyance be designed such that the driver and the dead human body are in the same cab.
- 8 **Preparation procedures; access to preparation room.** Amends § 149A.91, subd. 2. Permits family and friends of the deceased to be present in the preparation room while the body is being prepared for final disposition if the funeral establishment allows it.
- 9 **Embalming or refrigeration required.** Amends § 149A.91, subd. 3. Adds that a body may be refrigerated or packed with dry ice, instead of being embalmed, in certain circumstances. Current law requires a body be embalmed under circumstances specified in this section. Modifies the definition of "publicly viewed."
- 10 **Conveyances permitted for transportation.** Amends § 149A.93, subd. 6. Removes language related to embalming bodies transported via public transportation and permits transportation in a private vehicle or aircraft without embalming. Modifies the standards for transporting a dead human body.
- 11 **Transportation procedures.** Amends § 149A.93, subd. 7. Modifies the standards for transporting a dead human body. Current law requires embalming for transportation via public transportation.
- 12 **Generally.** Amends § 149A.94, subd. 1. Modifies requirements for treatment of dead human bodies. Permits use of dry ice (in addition to refrigeration and embalming per current statute) for bodies where final disposition will not be accomplished within 72 hours of death. Provides that dry ice may not be used for a period exceeding four calendar days.