

EMBALMERS

CHAPTER 141

(H. B. No. 147—Pfenning and Bishop.)

EMBALMERS LICENSE

An Act to amend and re-enact Sections 544 and 546 of the Compiled Laws 1913, relating to the practice and profession of embalming or preparing human bodies for burial or shipment, and providing for penalties for the violations of this act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 544 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 544. LICENSE ISSUED. WHEN.] Every person who wishes to practice the profession of embalming dead human bodies in the State of North Dakota, or who embalms and prepares for burial or for shipment any human body, shall appear before the State Board of Embalmers as hereinbefore provided, for examination on his knowledge of embalming, sanitation, preservation of the dead, disinfection of a deceased person and of apartments, bedding, clothing, excretions or anything likely to be infected in the case of death from infectious or contagious disease, in accordance with the rules and regulations of the State Department of Health. Such examination shall be in writing and all examination papers shall be kept of record by said Board of Embalmers; and if the applicant be of good moral character and shows satisfactory evidence of having had such preliminary preparation and education as the rules and regulations of the Board of Embalmers may require, and passes a satisfactory examination in the subjects of anatomy, physiology, bacteriology, chemistry, sanitary science, practical embalming, funeral directing, and of the laws, rules and regulations governing the State Department of Health, then the said board on payment of the sum of \$15.00 to the Treasurer of said Board, shall issue to said applicant a license to practice the profession of embalming for the term of one year. If the applicant desires a renewal of such license, the said board shall grant it, except for cause. The annual fee for the renewal of such license shall not exceed five dollars. Provided, however, that whenever the State Board of Embalmers shall have reason to believe that any person to whom a license has been issued has become unfitted to practice embalming and disinfecting, or whenever a written complaint of a licensed embalmer, substantiated by affidavit supporting the same and charging the holder of an embalmer's license with violation of any provision of this Act, is filed with said Board, it shall be the duty of said Board to notify the person in question that it has reason to believe that he has violated the provisions of law and that his license ought to be revoked; which said notice shall be served upon him

either by registered mail or personal service. Provided, however, that when a written complaint against any such person is filed with said Board, either by a member thereof or a licensed embalmer, a copy thereof shall be attached to the notice so served upon said person. The said notice shall set forth in what particulars it is claimed there has been a violation of the law, and for what reason the person is believed to be unfitted to longer prosecute the business of an embalmer; and the said board shall further in such notice definitely fix a time and place when and where it will be in session for the purpose of considering such person's case; which time shall not be less than twelve days after the service of notice upon such person. Such person shall have the right to appear before said board at such time and place, to refute the charges made in said notice. Any member of said board shall have the right to administer oaths to witnesses. If after considering all the facts and circumstances the board shall have sufficient reason to believe that there has been a violation of the provisions of this act, or a violation of any rule or regulation prescribed by the said board for the preparation, embalming, shipping or burial of any dead human body, or that such person is unfitted to remain a licensed embalmer in this state, it shall have the right to revoke and cancel the license theretofore granted to such person.

Provided further that the State Board of Embalmers may issue licenses to practice embalming in this state for a period of one year by reciprocity, to applicants holding a duly authorized license to practice embalming in other states requiring the same or higher qualifications than are required by this article, in accordance with the rules and regulations of the Board of Embalmers.

§ 2. AMENDMENT.] Section 546 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 546. PENALTY FOR VIOLATION.] Any person who shall practice, or hold himself or herself out as practicing, the art of embalming the dead or preparing the dead for burial or shipment in accordance with the provisions of Section 544 of the Compiled Laws of 1913 as amended, without having complied with the provisions of said section, shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be sentenced to pay a fine of not less than fifty dollars, or more than five hundred dollars, or undergo an imprisonment of not exceeding one year, or both, at the discretion of the court, for each and every offense.

Approved March 10, 1931.