

HOUSE BILL NO. 477

1/25 Introduced
1/25 Referred to Business & Labor
2/12 Hearing
2/14 Adverse Committee Report
2/15 Bill Killed

1 HOUSE BILL NO. 477
2 INTRODUCED BY Menahan
3 BY REQUEST OF THE BOARD OF MORTICIANS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "FUNERAL
6 DIRECTING" TO INCLUDE THE PREPARATION OF DEAD BODIES FOR
7 CREMATION; REQUIRING OPERATING CREMATORIUMS TO BE LICENSED
8 BY THE BOARD OF MORTICIANS; AUTHORIZING THE BOARD TO ADOPT
9 RULES GOVERNING THE OPERATIONS OF CREMATORIUMS AND TO
10 INSPECT CREMATORIUMS; DEFINING THE GROUNDS FOR REVOKING OR
11 SUSPENDING A CREMATORIUM LICENSE; AMENDING SECTIONS
12 37-19-101, 37-19-401, 37-19-403, AND 37-19-404, MCA."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 37-19-101, MCA, is amended to read:
16 "37-19-101. Definitions. Unless the context requires
17 otherwise, in this chapter the following definitions apply:
18 (1) "Board" means the board of morticians provided for
19 in 2-15-1853.

20 (2) "Department" means the department of commerce
21 provided for in Title 2, chapter 15, part 18.

22 (3) "Embalming" means the preservation and
23 disinfection of the dead human body by application of
24 chemicals, externally, internally, or both.

25 (4) "Funeral directing" includes:

- 1 (a) supervising funerals;
- 2 (b) preparing dead bodies for burial or cremation,
- 3 other than by embalming;
- 4 (c) maintaining a mortuary for the preparation,
- 5 disposition, or care of dead human bodies; and
- 6 (d) the holding out to the public that one is a
- 7 funeral director or undertaker.

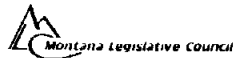
8 (5) "Mortuary science" is the profession or practice
9 of funeral directing and embalming.

10 (6) A "mortician" is a person licensed under this
11 chapter to practice mortuary science.

12 (7) A "mortuary" is a place of business used for the
13 care and preparation for burial or transportation of dead
14 human bodies or a place where a person represents himself as
15 engaged in the profession of mortuary science or funeral
16 directing."

17 Section 2. Section 37-19-401, MCA, is amended to read:
18 "37-19-401. License required -- display of license. An
19 operating mortuary or crematorium must be licensed by the
20 board. The license must be displayed in a conspicuous
21 place."

22 Section 3. Section 37-19-403, MCA, is amended to read:
23 "37-19-403. Power of board to set standards --
24 inspection. (1) The board may adopt rules prescribing
25 reasonable standards for operating mortuaries and



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1 crematoriums, including minimum requirements for drainage,
2 ventilation, and instruments, and may inspect the premises
3 of a mortuary establishment or crematorium to determine if
4 such rules are complied with. Such inspection or inspections
5 shall be made at the discretion of the board and may be
6 without notice.

7 (2) The board may charge the operator an inspection
8 fee to be set at the discretion of the board."

9 Section 4. Section 37-19-404, MCA, is amended to read:

10 "37-19-404. Suspension, revocation of mortuary or
11 crematorium license. A mortuary or crematorium license may
12 be suspended or revoked upon proof of:

13 (1) noncompliance of board rules relating to the
14 operation of mortuaries or crematoriums;

15 (2) violation of any of the laws or rules of the
16 state, district, or local board of health governing the
17 disposition of dead human bodies; or

18 (3) violation of any rule of the board regulating the
19 practice of mortuary science and funeral directing."

20 NEW SECTION. Section 5. Extension of authority. Any
21 existing authority of the board of morticians to make rules
22 on the subject of the provisions of this act is extended to
23 the provisions of this act.

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