

exceeding three-fourths of one per centum of the assessed value of the taxable property in the district, without the assent of the voters of the district: *Provided, further,* That such additional indebtedness together with the existing indebtedness of such port district shall not exceed the total indebtedness permitted to be incurred by such port district under existing laws.

SEC. 5. *Separability of Provisions.* If any provision of this act, or the application thereof to any person, body, or circumstances shall be held invalid, the remainder of the act and the application of each provision to persons, bodies, or circumstances other than those as to which it shall have been held invalid shall not be affected thereby.

Partial
invalidity.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 108.

[S. B. 77.]

FUNERAL DIRECTORS AND EMBALMERS.

AN ACT relating to and regulating the possession, transportation, treatment and disposition of dead human bodies, the licensing of funeral directors and embalmers, regulating conduct in relation thereto, providing penalties for violation thereof, and repealing sections 1, 8, 10, 11, 12, 13, 14, 16, and 17 of chapter 215 of the Laws of 1909 (sections 8313, 8317, 8319, 8320, 8321, 8322, 8323, 8325, 8326 of Remington's Revised Statutes).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The term "funeral director" as used herein is a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

"Funeral
director."

"Embalmer."

The term "embalmer" as used herein is a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation dead human bodies.

Words used in this act importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

License re-
quired after
January 1,
1938.

SEC. 2. On and after the first day of January, 1938, it shall be unlawful for any person to act or hold himself out as a funeral director or embalmer or discharge any of the duties of a funeral director or embalmer as defined in this act unless he shall have first obtained and be the possessor of a valid and subsisting license so to do granted pursuant to the provision of this act, or to open up, maintain or operate more than one place of business for directing or supervising the burial or disposal of dead human bodies, without having or employing at all times at least one funeral director to supervise and direct the business conducted therefrom.

Licenses to
unlicensed
lawful
funeral
directors.

SEC. 3. In order to obtain a license as a funeral director, the applicant must be at least twenty-one (21) years of age and of good moral character. The application must specify a fixed address at which the applicant proposes to engage or conduct a place of business as a funeral director in this state. The applicant must pass an examination in the following subjects: Funeral directing, the signs of death, the manner in which death may be determined, the preparation, burial, disposal and transportation of dead human bodies, and the shipment of bodies of persons dying of contagious or infectious diseases: *Provided, however,* That any person who has been lawfully engaged in the business of funeral directing in this state continuously for a period of one (1) year or more prior to the 31st day of December,

Registration
of person
engaged in
business.

1937, may register as such with the director of licenses, and upon payment of the license fee hereinafter specified, on or prior to said date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938, but in case of failure so to register and pay said fee he can thereafter obtain a license only after an examination as herein provided.

SEC. 4. In order to obtain a license as an embalmer, the applicant must be at least twenty-one (21) years of age, of good moral character, have had a high school education or its equivalent, have completed a two-year course of training under a licensed embalmer in this state, have completed a full course of instruction in an embalming school of the class A type with minimum requirements as rated by the conference of embalmers' examining boards of the United States, and must pass an examination in each of the following subjects: Embalming, anatomy including histology, embryology and dissection, pathology, bacteriology, hygiene including sanitation and public health, chemistry including toxicology, and restorative art, including plastic surgery and demi-surgery: *Provided, however,* That any person lawfully licensed as an embalmer in this state may register as such with said director of licenses and, upon the payment of the license fee hereinafter specified, on or prior to said date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938. In case of failure so to register, he can thereafter obtain a license only after examination as herein provided.

Qualifications
of applicant
for license
as embalmer.

Registration
of person
lawfully
licensed as
embalmers.

SEC. 5. An examination for license hereunder shall be held by the director of licenses at least once each year at a time and place to be designated by him. Application to take an examination may be filed with said director at any time, and the direc-

Examination
for license.

tor shall give each applicant notice of the time and place of the next ensuing examination by written notice mailed to such applicant's address as given upon his application not later than thirty (30) days prior to examination, but no person shall be eligible to take such examination unless his application shall have been on file for a period of at least thirty (30) days prior thereto. The applicant shall be deemed to have passed an examination successfully whenever he shall have attained a grade of not less than seventy-five per centum (75%) in each subject of said examination. Any applicant who shall fail to make the required grade in any subject or subjects in his first examination shall be entitled to a second examination upon such subject or subjects at the next regular examination held, and no fee shall be required for said second examination.

Application
on prescribed
form.

SEC. 6. Every application for a license hereunder, whether for an initial issue or for a renewal of one already granted, shall be made in writing on a form prescribed by the director of licenses and be verified by oath or affirmation before some person authorized by law to administer the same. The original application shall be accompanied by a natural photo of applicant. Every person making application for an initial issue of a license when an examination is required shall pay to the state treasurer the sum of ten dollars (\$10.00) and, in case such application is granted he shall pay the further sum of fifteen dollars (\$15.00) prior to the issuance of such license. Every licensed embalmer or funeral director who has been in the business in the State of Washington not less than one year prior to the 31st day of December, 1936, and who shall register as such with said director of licenses as herein provided, shall, on or prior to the 31st day of December, 1937, pay to the state treasurer the sum of ten dollars (\$10.00), and thereupon he shall be entitled

Examination
fee.

License fee.

to and receive a license as such for the year commencing January 1, 1938. Every licensed embalmer making application for a renewal of his license for the succeeding year shall, on or before the 31st day of December prior to such year, pay to the state treasurer the sum of five dollars (\$5.00), and every licensed funeral director making an application for renewal of his license for the succeeding year shall, on or before the 31st day of December prior to such year, pay to the state treasurer the sum of five dollars (\$5.00), and upon the payment of said fees, the person making the application shall be entitled to a license without examination.

SEC. 7. Every license issued hereunder shall specify the name of the person to whom it is issued, shall bear the signature of the licensee for identification purposes, and shall be displayed conspicuously in his place of business. No license shall be assigned, and not more than one person shall carry on the profession or business of funeral directing or embalming under one license.

License to bear name and signature of person and shall be displayed in conspicuous place.

SEC. 8. When a licensee has, for any reason, allowed his license to lapse, he may be granted a license upon application therefor made to the director of licenses, upon payment to the state treasurer of the sum of twenty-five dollars (\$25.00): *Provided*, Such application is made within one year after the expiration of his previous license. If such application is not made within such one year period, as in this section provided, then the applicant shall be required to take an examination before the director of licenses and pay the license fee, as required by the provisions of this act in the case of initial applications.

Lapse of license.

SEC. 9. It shall be unlawful for any person or persons in this state to use the name of any company, association, corporation, trade name, or busi-

Name displayed in conspicuous place.

ness name, in the operation of any business of funeral directing or embalming where services are rendered or contracted for or advertised to be rendered, unless said person or persons shall display in a conspicuous place upon or near the entrance, or in a conspicuous place in the office, if any, maintained for the transaction of business with the public, a printed statement in a form to be prescribed by the director of licenses, in plain English letters of not less than one inch in height, containing the name of every funeral director or embalmer who shall be engaged in the rendering of service within the office or establishment operated under said company, association, corporation, trade or business name.

Apprentices
registered.

SEC. 10. Every person engaged in the business of funeral directing or embalming, who shall employ an apprentice or apprentices to assist him in the conduct of such business, shall register the name of each apprentice so employed with said director of licenses at the time of the beginning of said apprenticeship, and such person shall also forward to the said director of licenses notice of the termination of such apprenticeship. Such registration shall also be made in the month of January of every year thereafter by the employer of such apprentice during the continuance of such apprenticeship. A fee of five dollars (\$5.00) shall be paid to the state treasurer for the initial registration of such apprentice, and thereafter a fee of two dollars (\$2.00) shall be paid to the state treasurer for each annual renewal of the same.

Fee.

Rules and
regulations.

SEC. 11. For the purpose of carrying out the provisions of this act the director of licenses and state examining committee shall have power and it shall be their duty to adopt, promulgate and enforce reasonable rules and regulations. Said director of licenses shall have the power to suspend or revoke any license, after proper hearing and notice to the

Licenses
revoked or
suspended.

licensee, upon such licensee being found guilty of Grounds:
any of the following acts or omissions:

1. Conviction of a crime involving moral turpitude;

2. Unprofessional conduct which is hereby defined to include:

(a) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

(b) False or misleading advertising as a funeral director or embalmer;

(c) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or while death is impending: *Provided*, This act shall not be deemed to prohibit general advertising;

(d) Employment by the licensee of persons known as "cappers" or "steerers" or "solicitors" or other such persons to obtain funeral directing or embalming business;

(e) Employment directly or indirectly of any apprentice, agent, assistant, embalmer, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

(f) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants or employees, for the purpose of securing business;

(g) Gross immorality;

(h) Aiding or abetting an unlicensed person to practice funeral directing or embalming;

(i) 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 crematory, mausoleum or cemetery;

(j) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of, a dead human body;

(k) Violation of any of the provisions of this act;

(l) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;

(m) Fraud or misrepresentation in obtaining a license;

(n) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody thereof;

(o) For the selling or offering for sale of shares, certificates or an interest in the business of any funeral director or embalmer or in any corporation owning or conducting an undertaking or embalming establishment, under promise of or purporting to give to the purchasers thereof a right to the services of such funeral director, embalmer or corporation at a charge or cost less than that offered or given to the public at large.

Contagious
diseases
reported.

SEC. 12. Every funeral director and every embalmer shall immediately report to the local health officer every contagious case on which he may be called. There shall be no public funeral of any contagious disease unless authorized by the director of the state board of health, in writing, before burial or disposal.

Misdemeanor
to solicit
business.

SEC. 13. Every funeral director or embalmer who shall pay, or cause to be paid, directly or indirectly, any sum of money, or other valuable consideration, for the securing of business, and every person who shall accept any sum of money, or other

valuable consideration, directly or indirectly, from a funeral director or from an embalmer, in order that the latter may obtain business, and every person who shall sell, or offer for sale, any share, certificate, or interest in the business of any funeral director or embalmer, or in any corporation, firm or association owning or conducting the business of funeral directing or embalming, under promise or representation that the purchaser thereof shall receive or be entitled to the services of such funeral director, embalmer or corporation, firm or association at a price or cost less than that open to the general public, shall be guilty of a gross misdemeanor.

SEC. 14. Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the incinerated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, and the relatives of, or persons interested in, the deceased person shall fail, neglect or refuse for such periods of time, respectively, to direct the disposition to be made of such body or remains, such body or remains may be disposed of by the person, firm, corporation or association having such lawful possession thereof, under and in accordance with such rules and regulations as may be made and promulgated by said director of licenses, not inconsistent with any statute of the State of Washington or rule or regulation prescribed by the state board of health.

Disposal of bodies.

SEC. 15. The director of licenses may recognize licenses issued to funeral directors or embalmers from other states and, upon presentation of such licenses may, upon the payment of the sum of twenty-five dollars (\$25.00), issue to the lawful holder thereof the funeral director's or embalmer's

Licenses of other states.

Reciprocal
licenses.

license herein provided for: *Provided, however,* That such recognition shall not be extended to funeral directors or embalmers holding licenses from other states unless reciprocal rights are granted to holders of funeral directors' or embalmers' licenses granted in the State of Washington. Such reciprocal licenses may be renewed annually upon payment of the renewal license fee as herein provided in the case of license holders residing in the State of Washington. No person shall be entitled to such reciprocal license as a funeral director or embalmer unless he shall furnish proof that he has, in the state in which he is regularly licensed, complied with requirements substantially equal to those set out in this act.

Inspector
appointed.

Qualifica-
tions.

SEC. 16. There shall be appointed by said director of licenses an agent whose title shall be "Inspector of Funeral Directors and Embalmers of the State of Washington." No person shall be eligible for such appointment unless, at the time of his appointment, he shall have been a duly licensed embalmer in the State of Washington, with a minimum experience of not less than five (5) consecutive years both as an embalmer and as a funeral director in the State of Washington. Said inspector shall hold office during the pleasure of said director of licenses, and the duties of said inspector shall be, and he is hereby authorized, to enter the office, premises, establishment or place of business, where funeral directing or embalming is carried on for the purpose of inspecting said office, premises, establishment or place of business, and the licenses and registrations of embalmers, funeral directors and apprentices operating therein. Such inspector shall serve and execute any papers or process issued by the director of licenses under authority of this act, and perform any other duty or duties prescribed or ordered by the director of licenses. Said inspector shall at all

times be under the supervision of said director of licenses and he may also assist the state health commissioner in enforcing the provisions of the law relating to health and such rules and regulations as shall have been made and promulgated by the state board of health.

SEC. 17. Except as otherwise provided in this act, any person who shall violate, or fail to comply with, or aid or abet any person in violation of, or failure to comply with, any provisions of this act or of any of the rules or regulations promulgated by the director of licenses and state examining committee pursuant thereto, shall be guilty of a gross misdemeanor.

Penalty for violation.

SEC. 18. If any section, subdivision, sentence or clause of this act shall be held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this act.

Partial invalidity.

SEC. 19. That sections 1, 8, 10, 11, 12, 13, 14, 16 and 17 of chapter 215 of the Laws of 1909 (sections 8313, 8317, 8319, 8320, 8321, 8322, 8323, 8325, 8326 of Remington's Revised Statutes) are hereby repealed.

Statutes repealed.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.