



2017 ASSEMBLY BILL 837

January 12, 2018 - Introduced by Representatives VANDERMEER, KRUG, BORN, EDMING, FELZKOWSKI, GENRICH, HORLACHER, HUTTON, KATZMA, KITCHENS, KOOYENGA, KULP, LOUDENBECK, MACCO, NOVAK, PETRYK, ROHRKASTE, SKOWRONSKI, SNYDER, SPIROS and STUCK, cosponsored by Senators ROTH, CRAIG, DARLING, FEYEN, JOHNSON, STROEBEL, TESTIN, WANGGAARD and VUKMIR. Referred to Committee on Regulatory Licensing Reform.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 445.095 (2) (c) and (d); *to amend* 445.01 (2), 445.045 (1) (e),
2 445.045 (1) (f), 445.095 (1) (a), 445.095 (2) (b), 445.095 (4) and 445.10 (1); and
3 **to create** 445.095 (2) (a) and 445.095 (5) of the statutes; **relating to:** funeral
4 director apprenticeships.

Analysis by the Legislative Reference Bureau

This bill makes various changes to laws regarding funeral director apprentices, including all of the following:

1. Under current law, in order to become a funeral director apprentice, a person must satisfy a number of requirements, including completing one academic year of instruction in a recognized college or university in a course of study approved by the Funeral Director Examining Board or have equivalent education. This bill replaces the one year of instruction or equivalent education requirement with a requirement that a person complete a 16-hour certification course approved by the board.

2. Under current law, only one funeral director apprenticeship may be recognized by the board at a funeral establishment in a current year that has had less than 150 funeral services or prepared less than 150 bodies for burial or shipment during the preceding year; the board may recognize a second funeral director apprenticeship at a funeral establishment that during the current year has had 150 funerals or more and has prepared 150 bodies or more for burial or shipment during the preceding year, provided that at least two licensed funeral directors are employed full time at that establishment.

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The bill removes any distinction as to how many funeral director apprentices may be recognized based upon the number of funerals or bodies prepared and allows a funeral establishment at which one or two licensed funeral directors are employed to have up to two apprentices, but requires that, in order to have three or more apprentices, a funeral establishment must have one full-time employed licensed funeral director for each apprentice.

3. Current law limits funeral director apprenticeships to four years, with the possibility of an additional extension granted by the board of up to one year. Under the bill, after four years or after an extension if an extension is given, a funeral director apprenticeship may continue if the apprentice again completes an approved certification course described above.

4. Current law requires that apprentices be under the personal supervision of a licensed funeral director, but does not further specify as to what supervision is required. The bill provides that supervision of an apprentice, when an apprentice is in a funeral establishment's preparation room, requires that the apprentice is within the funeral director's line of sight.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 445.01 (2) of the statutes is amended to read:

2 445.01 (2) ~~An “apprentice funeral director” is any~~ “Apprentice” means a person
3 engaged in the learning of the practice of funeral directing under the instruction and
4 personal supervision of a ~~duly licensed and registered~~ funeral director who is
5 licensed under this chapter, and whose funeral establishment is located in this state;
6 provided, that no person shall serve or attempt to serve as such apprentice funeral
7 director ~~under any such funeral director until the person has filed registration~~
8 ~~thereof with the examining board.~~

9 **SECTION 2.** 445.045 (1) (e) of the statutes is amended to read:

10 445.045 (1) (e) The person must have satisfactorily completed 9 months or more
11 instruction in a prescribed course in mortuary science approved by the examining
12 board at any time after having completed ~~one year of college work or equivalent~~
13 education an approved certification class described in s. 445.095 (1) (a).

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1 **SECTION 3.** 445.045 (1) (f) of the statutes is amended to read:

2 445.045 (1) (f) The person must have completed one year of apprenticeship as
3 prescribed in s. 445.095 at any time after having completed ~~one year of college work~~
4 ~~or equivalent education~~ an approved certification class described in s. 445.095 (1) (a)
5 and either before or after taking the course in mortuary science required by par. (e)
6 and must have satisfied the requirement under s. 445.095 (4).

7 **SECTION 4.** 445.095 (1) (a) of the statutes is amended to read:

8 445.095 (1) (a) A person desiring to become an apprentice as a funeral director
9 shall apply on a form provided for the purpose and appear before the examining
10 board, or any duly appointed representative of the examining board. The application
11 shall state that the applicant is 18 years of age or older, holds a high school diploma
12 or possesses equivalent education as defined by the examining board, does not have
13 an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, and has
14 completed ~~one academic year of instruction in a recognized college or university in~~
15 ~~a course of study approved by the examining board or has equivalent education a~~
16 16-hour certification class approved by the examining board. The application must
17 be substantiated by the oath of the applicant and be accompanied by the fee specified
18 in s. 440.05 (6). When the examining board is satisfied as to the qualification of an
19 applicant for apprenticeship, it shall issue a certificate of apprenticeship. When the
20 apprentice enters the employment of a licensed funeral director, the apprentice shall
21 immediately notify the examining board, giving the name and place of business of
22 the funeral director whose service the apprentice has entered. If, at any time
23 thereafter, the apprentice leaves the ~~employ~~ employment of the licensed funeral
24 director whose service the apprentice has entered, the licensed funeral director shall
25 give the apprentice an affidavit showing the length of time served as an apprentice

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1 with that employer, and the work done in detail, which affidavit shall be filed with
2 the examining board and made a matter of record in that office. If the apprentice
3 thereafter enters the ~~employ~~ employment of another licensed funeral director in this
4 state, the applicant shall forthwith report such employment to the examining board.

5 **SECTION 5.** 445.095 (2) (a) of the statutes is created to read:

6 445.095 (2) (a) 1. Except as provided in subd. 2., the examining board may
7 recognize only one funeral director apprenticeship at a funeral establishment in a
8 given year for each funeral director that is employed full time at the funeral
9 establishment.

10 2. The examining board may recognize up to 2 funeral director apprenticeships
11 at any funeral establishment at which less than 3 funeral directors are employed full
12 time in a given year.

13 **SECTION 6.** 445.095 (2) (b) of the statutes is amended to read:

14 445.095 (2) (b) The term of a registered apprentice shall be recognized only
15 when ~~given employment~~ the apprentice is employed in a funeral establishment
16 under the personal supervision of a licensed funeral director. For purposes of this
17 paragraph, supervision, when the apprentice is in the preparation room, requires
18 that the apprentice is within the funeral director's line of sight.

19 **SECTION 7.** 445.095 (2) (c) and (d) of the statutes are repealed.

20 **SECTION 8.** 445.095 (4) of the statutes is amended to read:

21 445.095 (4) Before such ~~an~~ an apprentice shall be ~~is~~ eligible to receive a funeral
22 director's license ~~to practice funeral directing~~, the apprentice shall present, in
23 connection with the other evidence required by this chapter, affidavits from the
24 several licensed funeral directors under whom the apprentice has worked, showing
25 that the apprentice has, during the term of his or her apprenticeship, assisted in

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1 embalming for burial or shipment at least 25 bodies, has assisted in preparing 25
2 dead human bodies for burial or transportation, other than by embalming, and has
3 assisted in at least 25 funeral services during the apprenticeship. ~~This work must
4 all have been done within 4 years from the date of registering as an apprentice, but
5 such time may be extended by the examining board for good cause shown, not to
6 exceed one additional year. The provisions of this section shall be suspended for such
7 period as a registered apprentice may be an active member of the military or naval
8 forces of the United States.~~

9 **SECTION 9.** 445.095 (5) of the statutes is created to read:

10 445.095 (5) No person may serve or attempt to serve as an apprentice under
11 a funeral director until the person has filed registration thereof with the examining
12 board.

13 **SECTION 10.** 445.10 (1) of the statutes is amended to read:

14 445.10 (1) The term of an apprenticeship for a funeral director shall begin on
15 the date of registration and ~~terminate after~~ shall continue for a period of not more
16 than 4 years from the time of first registration unless ~~the time is extended under this~~
17 chapter. ~~A registered apprentice must make application for license and must appear~~
18 before the examining board for examination within 4 years from the date of
19 registration unless the time is extended under this chapter. ~~Noncompliance with~~
20 this subsection ~~terminates the right to serve as an apprentice~~ an extension, not to
21 exceed one additional year, is granted by the examining board. After 4 years have
22 elapsed or, if an extension is granted, after the expiration of the extension, the
23 apprenticeship may not be continued unless the apprentice again completes an
24 approved certification class described in s. 445.095 (1) (a). If the apprentice again
25 completes such a certification class, an additional 4-year period, subject to

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1 extension, shall begin as provided in this subsection. An apprenticeship not
2 continued as provided in this subsection shall terminate. The provisions of this
3 subsection shall be suspended while a registered apprentice is an active member of
4 the military of the United States.

SECTION 11. Initial applicability.

6 (1) The treatment of sections 445.045 (1) (e) and (f) and 445.095 (4) of the
7 statutes first applies to an application for a funeral director license submitted by an
8 applicant who submitted an application for a certificate of apprenticeship on the
9 effective date of this subsection.

10 (2) The treatment of sections 445.095 (1) (a) and 445.10 (1) of the statutes first
11 applies to an application for a certificate of apprenticeship submitted by an applicant
12 on the effective date of this subsection.

SECTION 12. Effective date.

14 (1) This act takes effect on the first day of the 7th month beginning after
15 publication.

16 (END)