



Mortuary Science Regulation 149A Legislative Changes

Effective August 1, 2008

This document explains the legislative changes that are effective on August 1, 2008. The left hand column uses the “line-out” and “underline” format to indicate language that has been deleted or added. On the right side you will find an explanation of the changes. If you have questions, please e-mail them to:
timothy.koch@state.mn.us

Note: The entire regulation is available on the State Revisor’s web-site:
<http://ros.leg.mn/>

Because there are so many new laws, it takes several months for the Revisor’s Office to update all the statutes on their web-site. Until that time, please use this document as a reference to the updates.

Minnesota Department of Health
Mortuary Science Section
651-201-3829
www.health.state.mn.us/divs/hpsc/mortsci/

NEW LANGUAGE IN 149A

EXPLANATION OF NEW LANGUAGE

Minnesota Statutes 2006, section 149A.01, subdivision 4, is amended to read:

Subd. 4. **Nonlimiting.** (a) Nothing in this chapter shall be construed to limit the powers granted to the commissioner of health, commissioner of commerce, state attorney general, or a county attorney in any other statute, law, or rule, except as described in paragraph (b).

(b) A county, within its jurisdiction as a coroner or medical examiner, may establish transportation standards for transporting a dead human body from the death scene to the place where an autopsy is to be conducted, so long as the standards do not specifically require that the transporter be a licensed funeral director.

(b) Changed to clarify that a medical examiner or coroner may choose to contract with non-licensed livery services for the initial removal of the body to the place of autopsy. This was already allowed by MN Statutes 149A.01, subd. 3, (5).

NEW LANGUAGE IN 149A

EXPLANATION OF NEW LANGUAGE

Minnesota Statutes 2007 Supplement, section 149A.80, subdivision 1, is amended to read:

Subdivision 1. **Advance directives and will of decedent.** A person may direct the preparation for, type, or place of that person's final disposition, as well as the type of conveyance to be used to transport the body to the place of final disposition, either by oral or written instructions. Arrangements made in advance of need with a funeral establishment must be in writing and dated, signed, and notarized. The person or persons otherwise entitled to control the final disposition under this chapter shall faithfully carry out the reasonable and otherwise lawful directions of the decedent to the extent that the decedent has provided resources for the purpose of carrying out the directions. If the instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date, subject to other provisions of this chapter or any other law of this state. This subdivision shall be administered and construed so that the reasonable and lawful instructions of the decedent or the person entitled to control the final disposition shall be faithfully and promptly performed.

(Subd. 1) New language clarifies that advanced planning may include the type of vehicle to be used for transporting the body to the place of final disposition.

Minnesota Statutes 2007 Supplement, section 149A.93, subdivision 6, is amended to read:

Subd. 6. **Conveyances permitted for transportation.** A dead human body may be transported by means of public transportation provided that the body must be properly embalmed and encased in an appropriate container, or by any private vehicle or aircraft that meets the following standards:

- (1) promotes respect for and preserves the dignity of the dead human body;
- (2) shields the body from being viewed from outside of the conveyance;
- (3) has ample enclosed area to accommodate a regulation ambulance cot, aircraft ambulance stretcher, casket, alternative container, or cremation container in a horizontal position;
- (4) is designed to permit loading and unloading of the body without excessive tilting of the casket, alternative container, or cremation container; and
- (5) if used for the transportation of more than one dead human body at one time, the vehicle must be designed so that a body or container does not rest directly on top of another body or container and that each body or container is secured to prevent the body or container from excessive movement within the conveyance; and
- ~~(6) is designed so that the driver and the dead human body are in the same cab.~~

A vehicle that is a dignified conveyance and was specified for use by the deceased or by the family of the deceased may be used to transport the body to the place of final disposition.

(6) Old language requiring the driver of the vehicle and the deceased to be in the same cab is deleted. Vehicles such as a pick-up truck with an enclosed bed are now allowed.

New language allows the use of dignified modes of transportation to the place of final disposition. Examples may include a fire truck for a fireman, a hay wagon for a farmer, etc.