

CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Patricia Reuter, Director, Bureau of Business and Design Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Funeral Directors Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Funeral Directors Examining Board on the 24th day of April, 1996.

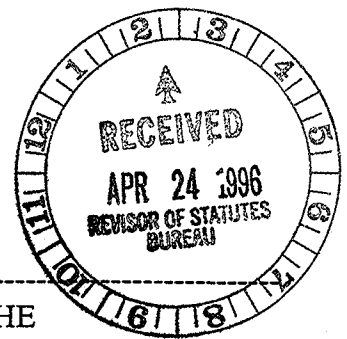
I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 24th day of April, 1996.

Patricia H. Reuter
Patricia Reuter, Director, Bureau of Business and Design Professions, Department of Regulation and Licensing

STATE OF WISCONSIN
FUNERAL DIRECTORS EXAMINING BOARD



IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING BOARD
FUNERAL DIRECTORS : ADOPTING RULES
EXAMINING BOARD : (CLEARINGHOUSE RULE 95-063)

ORDER

An order of the Funeral Directors Examining Board to repeal FD 2.10 (3); to amend FD 2.04; to repeal and recreate FD 2.10 (2); and to create FD 2.13, relating to discrimination, sanitation and confidentiality.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11, 445.03 (1) (b) and (2) (a), Stats.

Statutes interpreted: s. 445.03 (1) (b) and (2) (a), Stats.

In this proposed rule-making order the Funeral Directors Examining Board amends s. FD 2.04 to make clear that the prohibition on discrimination in the provision of funeral goods and services extends to discrimination based upon HIV status or sexual orientation.

Section FD 2.10 preceded the Occupational Safety and Health Administration (OSHA) requirements for occupational exposure to blood borne pathogens. The revision updates the sanitation requirements to recognize the existence of federal standards that apply to the industry.

The newly created s. FD 2.13 preserves as a separate section the language on confidentiality currently found in s. FD 2.10 (3) (a).

TEXT OF RULE

SECTION 1. FD 2.04 is amended to read:

FD 2.04 DISCRIMINATION. No funeral director licensed in Wisconsin, or apprentice funeral director holding a certificate of apprenticeship in this state, or person holding a funeral establishment permit herein, shall deny services or the use of an establishment to any person because of race, color, creed, national origin or ancestry; HIV infection, or sexual orientation; provided, however, that this ~~rule~~ section shall not apply where a funeral establishment is, for religious reasons, so operated that its services are provided to members of only one religious faith.

SECTION 2. FD 2.10 (2) is repealed and recreated to read:

FD 2.10 (2) All post-mortem procedures shall be performed and all preparation rooms, equipment, instruments and supplies in funeral establishments shall be maintained in compliance with the terms and conditions set forth in the occupational safety and health administration requirements for occupational exposure to blood borne pathogens. In cases of HIV infection, after the body has been prepared in accordance with s. HSS 136.04, the usual and customary procedures may be followed for restoration and cosmetology. Following embalming and body preparation, no special precautions need to be observed during visitation

SECTION 3. FD 2.10 (3) is repealed.

SECTION 4. FD 2.13 is created to read:

FD 2.13 CONFIDENTIALITY. All personnel involved in the post-mortem care of the deceased shall be informed of the confidentiality provisions under s. 252.15 (5), Stats., and the consequences of violating these confidentiality provisions.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated 4/24/96

Agency D. Bruce Carlson
Chairperson
Funeral Directors Examining Board

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4/2/96

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: April 24, 1996

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Rules Center Coordinator
Department of Regulation and Licensing
Office of Administrative Rules

SUBJECT: Final Order Adopting Rules



Agency: FUNERAL DIRECTORS EXAMINING BOARD

Clearinghouse Rule 95-063

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.