



## STATE OF WISCONSIN

Department of Safety and Professional Services  
1400 E Washington Ave.  
Madison WI 53703

Mail to:  
PO Box 8935  
Madison WI 53708-8935

Email: [dsps@wisconsin.gov](mailto:dsps@wisconsin.gov)  
Web: <http://dsps.wi.gov>  
Phone: 608-266-2112

**Governor Scott Walker      Secretary Dave Ross**

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### **Positions Statements Related to Funeral Directors Issued by the Funeral Director Examining Board**

#### **WHEN DOES A FUNERAL DIRECTOR NEED A LICENSE TO PRACTICE AS A FUNERAL DIRECTOR?**

[Wis. Stat. § 445.01\(5\)](#) defines a funeral director as any person engaged in or conducting or holding himself or herself out to be engaged in the embalming or preparation of dead bodies, or directing or supervising the burial or disposal of dead bodies, or who uses the title “funeral director” or “mortician” or any other title implying that he or she is engaged in funeral services. Any person engaged in the above activities or using any of the above titles needs a license from the Department.

#### **HOW MANY FUNERAL ESTABLISHMENTS MAY A SINGLE FUNERAL DIRECTOR MANAGE?**

[Wis. Stat. § 445.105\(b\)](#) states that a licensed funeral director may only manage a total of 3 funeral establishments.

#### **DOES A FUNERAL ESTABLISHMENT NEED A PERMIT IF IT EMPLOYS A LICENSED FUNERAL DIRECTOR?**

Yes, according to [Wis. Stat. § 445.105](#), no person may conduct, maintain, manage, or operate any funeral establishment unless the examining board has issued the person a permit for the funeral establishment and the permit is conspicuously displayed.

#### **MAY A FUNERAL ESTABLISHMENT HOLD A BODY FOR PAYMENT?**

While no statute or rule directly regulates holding a body for payment, such an action may violate a funeral establishment or funeral director’s ethics and professional conduct. Please review [FD 3.02\(10\)](#) and [Wis. Stat. § 445.12\(4\)](#) for further information.

#### **IS A FUNERAL DIRECTOR’S LICENSE REQUIRED TO TRANSPORT HUMAN REMAINS FROM ONE FUNERAL HOME TO ANOTHER?**

Who may transport bodies from: A hospital/mortuary/ place of death to the funeral home, a funeral home to another funeral home or A funeral home to a cemetery? No one other than a licensed funeral director, a member of the decedent's immediate family, and certain other statutorily authorized persons may move a corpse for the purpose of final disposition.

Wisconsin law prohibits all unlicensed persons from moving a corpse for the purpose of final disposition. Please see [Wis. Stat. § 69.18\(1\)\(a\)](#) for exceptions

**MAY A FUNERAL DIRECTOR'S APPRENTICE PERFORM CERTAIN ACTIVITIES WITHOUT THE PERSONAL SUPERVISION OF THE LICENSED FUNERAL DIRECTOR?**

Yes, a funeral director's apprentice may perform limited activities without personal supervision. Please see [FD 2.06](#), Wisc Admin Code for further information.

**CAN A LICENSED FUNERAL DIRECTOR SELL OR SOLICIT THE SALES OF CEMETERY PLOTS FOR A COMMISSION?**

No. [Wis. Stat. § 445.12\(6\)](#) prohibits any licensed funeral director or operator of a funeral establishment from operating or owning a cemetery, or from receiving or accepting any type of commission, fee, or benefit of any type in connection with the sale or transfer of any cemetery lot, burial privilege, or cremation. Please also see subchapter [157.11](#) for further information.

**DOES A LICENSED FUNERAL DIRECTOR NEED TO RELINQUISH HIS LICENSE IF HE WISHES TO MAKE ARRANGEMENTS FOR THE BURIAL OR CREMATION OF BODIES?**

No, a licensed funeral director may retain his or her license even if he or she 1) does not work for a funeral establishment or 2) engages in independent work as a cemetery salesperson or any related activity. However, he or she may not act in the capacity of a funeral director, or hold himself or his services out as those of a funeral director when engaged in business as a cemetery salesperson or any related activity.