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c 211 Embalmers' and Undertakers' Act

Ontario

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CHAPTER 211.

The Embalmers' and Undertakers' Act.

1. In this Act,

- (a) "Board" shall mean the board of examiners appointed under this Act; Interpretation.
"Board."
- (b) "Embalming" shall mean the disinfection or preservation of the dead human body, entire or in part, by the use of chemical substances, fluids or gases, ordinarily used, prepared or intended for such purpose, either by outward application of such chemical substances, fluids or gases on the body, or by the introduction of the same into the body by vascular or hypodermic injection, or by direct application into the organs or cavities; "Embalming."
- (c) "Minister" shall mean the member of the Executive Council for the time being charged by the Lieutenant-Governor in Council with the administration of this Act; "Minister."
- (d) "Regulations" shall mean regulations made under the authority of this Act. R.S.O. 1914, c. 174, s. 2. "Regulations."

2. The Lieutenant-Governor in Council may appoint a board of examiners consisting of five persons practically conversant with the business of embalming who shall, subject to the regulations, Board of examiners.
Duties.

- (a) prescribe the subjects in which candidates for certificates of qualification as embalmers shall be examined;
- (b) conduct examinations of candidates or provide for and supervise the examinations of candidates for such certificates and report thereon to the Minister;
- (c) issue licenses and certificates of qualification to applicants therefor, who have passed such examinations or are otherwise entitled thereto. R.S.O. 1914, c. 174, s. 3.

3. Any three members of the board shall form a quorum. Quorum. R.S.O. 1914, c. 174, s. 4.

Secretary of
board of
examiners.

4.—(1) The board may appoint some person to be the secretary of the board.

Payment of
secretary.

(2) The secretary shall be paid such salary or other remuneration as may be fixed by the board out of the fees received by the board under this Act. 1914, c. 21, s. 35.

Register.

5. The secretary of the board shall keep a register in which shall be entered the name of every person to whom a certificate of qualification is granted under this Act, and the date at which the same is granted. R.S.O. 1914, c. 174, s. 6.

Regulations
by Lieuten-
ant-Govern-
or in
Council.

6. The Lieutenant-Governor in Council may from time to time make regulations,

- (a) for the examination of candidates for licenses and certificates of qualification and permits, the granting of such licenses, certificates and permits, and the evidence to be furnished by candidates as to sobriety and good character and as to previous training and experience;
- (b) for determining the time of continuance of such licenses and certificates and permits and renewal of same;
- (c) for fixing the fees to be paid by such candidates upon any such examination, or for any license or certificate of qualification or permit or renewal thereof;
- (d) for prescribing the causes for which any license, certificate or permit may be revoked, cancelled or suspended; R.S.O. 1914, c. 174, s. 7 (a-d);
- (e) for fixing the fees or other remuneration to be paid to the members of the board. R.S.O. 1914, c. 174, s. 7 (e); 1914, c. 21, s. 36.

Persons
carrying on
business
before 1st
July, 1911.

7. Every person engaged in or carrying on the business of embalming in Ontario at the time of the appointment of a board of examiners under this Act and who applies to the board for a certificate of qualification within one year thereafter, shall, upon furnishing such evidence of sobriety, good character and experience as the board may require, and upon payment of the prescribed fee, be entitled to receive a certificate of qualification from the board. R.S.O. 1914, c. 174, s. 8.

Appeal from
board to
Minister.

8. Any person who feels himself aggrieved by the decision of the board may appeal therefrom to the Minister upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final. R.S.O. 1914, c. 174, s. 9.

9. The board shall make a report to the Minister on or before the 31st day of December in every year, shewing, Annual report of board.

- (a) the number of certificates granted by them during the preceding year, and the persons to whom granted;
- (b) the number of applications for certificates refused during the preceding year and the causes for refusing the same;
- (c) the number of certificates revoked, cancelled or suspended during the preceding year;
- (d) the amount of fees received by them from candidates or owners of certificates during the preceding year;
- (e) the travelling and other expenses of the board and the secretary, and the fees, salary or other remuneration received by the board and the secretary; and
- (f) such other matters as may be directed by the Minister or the Lieutenant-Governor in Council. R.S.O. 1914, c. 174, s. 10.

10. The receipts and expenditure of the board shall be audited by a chartered accountant, not a member of the board, and the fees, salary or other remuneration paid to the board shall be paid out of the fees received from candidates or others and shall in all cases be subject to the approval of the Minister. R.S.O. 1914, c. 174, s. 11. Audit of receipts and expenditure.

11. A certificate held by any person under this Act shall at all times be exposed to view in the place of business carried on by such person or in the place in which he is employed, and failure to keep such certificate so exposed shall be *prima facie* evidence of the lack of qualification under this Act. R.S.O. 1914, c. 174, s. 12. Certificate to be kept exposed to view.

12. Every person who, not being the holder of a certificate of qualification issued by the board or of a renewal thereof, holds himself out as an embalmer, or uses any sign or letters, or words or abbreviations, importing that he is an embalmer, shall incur a penalty not exceeding \$25. R.S.O. 1914, c. 174, s. 13. Penalty for professing to be licensed.

13.—(1) No person shall carry on business as an undertaker in Ontario without a license from the Department of Health which shall be issued upon such terms and subject to such conditions and regulations and upon payment of such fee and subject to cancellation or suspension for such cause as the Department of Health with the approval of the Lieutenant-Governor in Council may prescribe. License.

Penalty. (2) Every person carrying on business as an undertaker without such license, shall incur a penalty of \$25. R.S.O. 1914, c. 174, s. 14.

Returns of burials. **14.**—(1) Every person who as an undertaker conducts or directs the burial of any human body shall forthwith, upon the form prescribed by the regulations of the Department of Health, notify the Department of such burial.

Penalty. (2) Any person neglecting or refusing to carry out the provisions of this section shall incur a penalty of \$25, and upon conviction his license may be suspended or cancelled by the Department of Health. R.S.O. 1914, c. 174, s. 15.

Recovery of penalties. Rev. Stat. c. 121. **15.** The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1914, c. 174, s. 16, *part*.

(NOTE.—See *The Coroners' Act*, Rev. Stat. c. 123, for prohibition of embalming body where inquest may be held.)
