

March 22, 1979

LB 94

Senator Chambers, when you referred to state and local laws, what does the local law say about embalming now?

SENATOR CHAMBERS: Senator Maresh, this would allow any locality that chose to do anything on the subject matter to do it and I will tell you again why I let that language in. There are morticians who may try to circumvent certain rules and regulations by having a locality take some actions of its own. Now if there is a particular problem in a given locality and they are in a position to deal with it rather than trying to have the rules and regulations changed at the state level, I am not opposed to giving them that type of flexibility, but if anybody feels they should not have it, I will strike that, too. I left it as broad so that I can restrict it.

SENATOR MARESH: I am concerned about the deceased having relatives in a distant place and they can't be contacted, are there laws to provide for embalming now in this instance?

SENATOR CHAMBERS: Yes, where shipping is concerned by a common carrier, the body must be embalmed. It must be 10% body weight of a disinfectant embalming fluid containing at least 5% formaldehyde gas, and if you do that, then there is no further restriction on the transportation, but if you want to do it by private conveyance under the direction of a funeral director, you don't have to embalm then. That is the current regulation they have when they are talking about the Department.

SENATOR MARESH: I am referring to, there is a body in the hospital and the relatives are in California, they can't be contacted by the hospital or the undertaker, what do they do then?

SENATOR CHAMBERS: What I am saying, however way you want to handle, if there are situations where you want to require embalming, you can do it. Those kind of situations I think are definitely allowable. To say that the law does not require embalming does not say that it is prohibited. So in any situation where those who are making the decision determine that that is the thing to do, that is what should be done and there are rules related to the interstate transportation of bodies and embalming is one of the things which is required.

SENATOR MARESH: No, I am talking about, it stays locally. It has to be moved from the hospital to a funeral parlor and they have to make a decision about embalming and with