LICENSING SHOULD HAVE ROOM FOR RELIGIOUS VIEWS

WHY WOULD IOWA LAW BLOCK A FUNERAL HOME THAT DOESN'T EMBALM BODIES?

EDITORIAL WRITING

As a graduate of Des Moines University College of Podiatric Medicine and Surgery, Dr. John “Yoni” Libbie could live and work anywhere he desires. He has. Now, at the age of 59, he wants to pursue what he considers his life’s calling: Becoming a funeral home director in Iowa.

“From a spiritual perspective, you’re doing something for someone they can never repay you for,” he said. From a legal perspective, he needs a state license to do the job.

As The Des Moines Register’s editorial board has been reporting, Iowa’s occupational licensing laws can create burdens that impede business growth and limit competition in the 21st century. To say training requirements for jobs are in the interest of public health and safety is sometimes a stretch. Yoni Libbie is learning that firsthand.

After practicing medicine in Texas for a decade, he moved back to Iowa. At the suggestion of his rabbi, he began helping prepare bodies of the deceased in accordance with Jewish tradition. He went on to obtain a degree in mortuary science from Des Moines Area Community College. Then he embarked on the state-mandated, year-long internship to secure his funeral director license.

The problem: Iowa law requires interns to “embalm not fewer than 25 human remains.” Embalming, which consists of injecting or applying chemical substances, fluids or gases to preserve or disinfect a body, violates Libbie’s religious convictions. Traditional Judaism considers it disrespectful to the body, he said. But his objection isn’t only religious. Embalming introduces toxic substances into the environment. Families who are encouraged to choose it for loved ones “are more likely to spend more for caskets, vaults, funeral merchandise, funeral home use for visitations, subsequent viewing and services,” Libbie said. Also, bodies often don’t require embalming if they are going to be cremated, and the number of families choosing cremation has grown significantly in recent years.

Libbie says embalming isn’t necessary to protect public health.

“The dead are no more pathogenic than they were ante-mortem,” he said. “Prior to death, they were not placed in leak-proof containers, injected with formaldehyde, or wrapped in impervious plastic. While decomposing bodies are aesthetically unpleasant, modern medicine rejects assertions that they are a risk to the public health.”

Kevin Patterson, chairman of DMACC’s mortuary science program, says that while this is generally true, death also does not eliminate the possibility of contracting contagious diseases that posed a threat prior to death. “If we wish to simply maintain the same level of public health once deceased, we could without embalming,” he said, but preserving a body for viewing is an important part of the grieving process for some families.

Libbie doesn’t plan to embalm bodies. He wants to open a funeral home that is exclusively sensitive to the traditions of Jews, Muslims, environmentalists and others who reject routine embalming of the dead.

So he pursued an exemption to the embalming requirement from the Iowa Board of Mortuary Science, one of 19 licensing boards housed in the Iowa Department of Public Health. Libbie was troubled when the staff asked him to submit numerous documents and make a personal appearance to explain his reluctance to embalm bodies. The board was “sure going to have some questions,” he was told.

He ultimately withdrew his waiver request on principle. “Citizens should not have to petition for an exemption to a bad rule. The bad rule must go,” he said.

One solution the state should consider: Rather than issuing a single license for funeral home directors that includes an embalming internship requirement, offer a license for funeral home directors and a separate one or a license endorsement for embalming. Iowa used to do this. Other states still do.

That would allow Libbie and others to pursue work in this field without violating religious, moral or environmental objections. Let the market decide if such a business flourishes or falters. But a government requirement that has little to do with public health should not stand in the way.