§ 3401. Funeral directing; powers and duties of commissioner. 1. The commissioner may, from time to time, make and adopt such rules and regulations not inconsistent with law as may be necessary (a) in the performance of his duties and in the administration of the provisions of this article; and (b) to govern and regulate the conduct and transaction of the business and practice of funeral directing, undertaking and embalming.

2. The commissioner shall:

(a) ascertain what constitutes the best tests for determining whether life is extinct, and shall prescribe the application of such tests, as he may deem necessary;

(b) investigate all alleged violations of law and of all rules and regulations relating to funeral directing, undertaking, and embalming;

(c) appoint such personnel as he may deem necessary, who, subject to the supervision, direction, and control of the commissioner, shall exercise the powers and perform the duties of the department and advise the commissioner under this article.