

By: Representative Flaggs (By Request)

To: Public Health and  
Welfare

HOUSE BILL NO. 145

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE A PERSON WHO IS LICENSED FOR THE PRACTICE OF FUNERAL  
3 SERVICE OR AS A FUNERAL DIRECTOR BY ANOTHER STATE TO PERFORM  
4 CERTAIN ACTIVITIES IN THIS STATE IN THE SAME MANNER AND TO THE  
5 SAME EXTENT AS PROVIDED BY THE LAWS OF THAT STATE TO PERSONS  
6 LICENSED BY THE STATE OF MISSISSIPPI FOR THE PRACTICE OF FUNERAL  
7 SERVICE OR FOR THE PRACTICE OF FUNERAL DIRECTING; AND FOR RELATED  
8 PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 SECTION 1. Section 73-11-51, Mississippi Code of 1972, is  
11 amended as follows:

12 73-11-51. (1) No person shall engage in the business or  
13 practice of funeral service, including embalming, and/or funeral  
14 directing or hold himself out as transacting or practicing or  
15 being entitled to transact or practice funeral service, including  
16 embalming, and/or funeral directing in this state unless duly  
17 licensed pursuant to the provisions of this chapter.

18 (2) The board is authorized and empowered to examine  
19 applicants for licenses for the practice of funeral service and  
20 funeral directing and shall issue the proper license to those  
21 persons who successfully pass the applicable examination and  
22 otherwise comply with the provisions of this chapter.

23 (3) To be licensed for the practice of funeral directing  
24 under this chapter, a person must (a) be at least eighteen (18)  
25 years of age; (b) have a high school diploma or the equivalent  
26 thereof; (c) have served as a resident trainee for not less than  
27 twenty-four (24) months under the supervision of a person licensed  
28 for the practice of funeral service or funeral directing in this  
29 state; (d) have successfully passed a written and/or oral  
30 examination as prepared or approved by the board; and (e) be of

31 good moral character.

32 (4) To be licensed for the practice of funeral service under  
33 this chapter, a person must (a) be at least eighteen (18) years of  
34 age; (b) have a high school diploma or the equivalent thereof; (c)  
35 have satisfactorily completed twelve (12) months or more of  
36 academic and professional instruction from an institution  
37 accredited by the American Board of Funeral Service Education or  
38 any other successor recognized by the United States Department of  
39 Education for funeral service education; (d) have served as a  
40 resident trainee for not less than twelve (12) months, either  
41 prior to or after graduation from an accredited institution  
42 mentioned above, under the supervision of a person licensed for  
43 the practice of funeral service in this state or having the prior  
44 equivalent license of this state; (e) have successfully passed a  
45 written and/or oral examination as prepared or approved by the  
46 board; and (f) be of good moral character.

47 (5) All applications for examination and license for the  
48 practice of funeral service or funeral directing shall be upon  
49 forms furnished by the board and shall be accompanied by an  
50 examination fee, a licensing fee and a nonrefundable application  
51 fee in amounts fixed by the board in accordance with Section  
52 73-11-56. The fee for an initial license, however, may be  
53 prorated in proportion to the period of time from the date of  
54 issuance to the date of biennial license renewal prescribed in  
55 subsection (8) of this section. All applications for examination  
56 shall be filed with the board office at least sixty (60) days  
57 prior to date of examination. A candidate shall be deemed to have  
58 abandoned the application for examination if he does not appear on  
59 the scheduled date of examination unless such failure to appear  
60 has been approved by the board.

61 (6) The practice of funeral service or funeral directing  
62 must be engaged in at a licensed funeral establishment, at least  
63 one (1) of which is listed as the licensee's place of business;  
64 and no person, partnership, corporation, association or other  
65 organization shall open or maintain a funeral establishment at  
66 which to engage in or conduct or hold himself or itself out as  
67 engaging in the practice of funeral service or funeral directing  
68 until such establishment has complied with the licensing

69 requirements of this chapter. A license for the practice of  
70 funeral service or funeral directing shall be used only at  
71 licensed funeral establishments; however, this provision shall not  
72 prevent a person licensed for the practice of funeral service or  
73 funeral directing from conducting a funeral service at a church, a  
74 residence, public hall, lodge room or cemetery chapel, if such  
75 person maintains a fixed licensed funeral establishment of his own  
76 or is in the employ of or an agent of a licensed funeral  
77 establishment.

78 (7) Any person holding a valid, unrevoked and unexpired  
79 license in another state or territory having requirements  
80 substantially similar to those of this state may apply for a  
81 license to practice in this state by filing with the board a  
82 certified statement from the secretary of the licensing board of  
83 the state or territory in which the applicant holds his license  
84 certifying to his qualifications and good standing with that board  
85 by having successfully passed a written and/or oral examination on  
86 the Mississippi Funeral Service licensing law and rules and  
87 regulations as prepared or approved by the board, and by paying a  
88 nonrefundable application fee set by the board pursuant to Section  
89 73-11-56. If the board finds that the applicant has fulfilled  
90 substantially similar requirements, the board shall grant such  
91 license upon receipt of a fee in an amount equal to the renewal  
92 fee set by the board for a license for the practice of funeral  
93 service or funeral directing, as the case may be, in this state.  
94 The board may issue a temporary funeral service or funeral  
95 directing work permit before a license is granted, prior to the  
96 next regular meeting of the board, if the applicant for a  
97 reciprocal license has complied with all requirements, rules and  
98 regulations of the board. The temporary permit will expire at the  
99 next regular meeting of the board.

100 (8) (a) Any person holding a license for the practice of  
101 funeral service or funeral directing may have the same renewed for  
102 a period of two (2) years by making and filing with the board an

103 application therefor within thirty (30) days preceding the  
104 expiration of his license on forms provided by the board and upon  
105 payment of a renewal fee in an amount set by the board in  
106 accordance with Section 73-11-56. The board shall mail a notice  
107 of the due date for payment of the renewal fee to the last known  
108 address of each licensee at least thirty (30) days prior to such  
109 date.

110 (b) If the renewal fee is not paid on or before the  
111 date that it is due, a late fee, as prescribed by Section  
112 73-11-56, in addition to the regular renewal fee, shall be  
113 required. A period of thirty (30) days shall be allowed after the  
114 expiration of a license, during which time the license may be  
115 renewed on the payment of the renewal fee plus the applicable late  
116 fee. If a person fails to renew his license during the aforesaid  
117 thirty-day period, the license of such person shall by operation  
118 of law automatically expire and become void without further action  
119 of the board. The board may reinstate such license if application  
120 for licensure is made within a period of five (5) years, upon  
121 payment of the renewal fee for the current year, all fees in  
122 arrears, late fees and a reinstatement fee as set by the board.  
123 After such five-year period, the license may be reinstated only by  
124 payment of the renewal fee for the current year, all renewal fees  
125 in arrears, late fees plus a reinstatement fee and by the licensee  
126 successfully passing a written and/or oral examination as prepared  
127 or approved by the board.

128 (c) The expiration date of each license issued or  
129 renewed shall be established by rules and regulations of the  
130 board. Subject to the provisions of this subsection, each license  
131 shall be renewable in a biennial basis upon filing of a renewal  
132 application and upon payment of the renewal fee established  
133 pursuant to Section 73-11-56. To provide for a system of biennial  
134 renewal of licenses, the board may provide by rules and  
135 regulations that licenses issued or renewed for the first time  
136 after July 1, 1994, may expire less than two (2) years from the

137 date of issuance or renewal. In each case in which a license is  
138 issued or renewed for a period of time less than two (2) years,  
139 the board shall prorate to the nearest whole month the license or  
140 renewal fee established pursuant to Section 73-11-56. The  
141 provisions of this paragraph (c) shall not apply to the resident  
142 trainee certificate or period of resident traineeship under  
143 Section 73-11-53.

144 (9) Any person holding on July 1, 1984, a license to  
145 practice embalming shall be entitled to a license for either of  
146 the named licenses upon meeting the same terms and conditions as  
147 are herein provided for the renewal of licenses of those who may  
148 be licensed after July 1, 1984. Any person in this state engaged  
149 in the practice of funeral directing on July 1, 1984, either as an  
150 owner of a funeral establishment or an employee thereof, who has  
151 had experience as a funeral director for at least two (2) years  
152 within the five (5) years immediately preceding July 1, 1984,  
153 shall be entitled to a license for funeral directing upon meeting  
154 the same terms and conditions as are herein provided for the  
155 renewal of licenses for the practice of funeral directing.  
156 However, from and after July 1, 1991, the board shall issue  
157 licenses only as provided for under the provisions of subsections  
158 (3) and (4) of this section.

159 (10) The board may, in its discretion, in the event of a  
160 major disaster or emergency where human death is likely to occur,  
161 temporarily authorize the practice of funeral directing and  
162 funeral service by persons licensed to practice in another state  
163 but not licensed to practice in this state, provided that such  
164 services are only rendered by members of disaster mortuary teams  
165 authorized by federal or appropriate local authorities to provide  
166 such services. Only persons licensed in this state, however, may  
167 sign death certificates.

168 (11) On an individual basis, a person who is licensed for  
169 the practice of funeral service by another state is authorized to  
170 make a removal of a deceased person, embalm a deceased person or

171 conduct a funeral or burial service in this state, and a funeral  
172 director who is licensed by another state is authorized to conduct  
173 a funeral or burial service in this state, in the same manner and  
174 to the same extent as provided by the laws of that state to  
175 persons licensed by the State of Mississippi for the practice of  
176 funeral service or for the practice of funeral directing.

177       (12) Each application or filing made under this section  
178 shall include the Social Security number(s) of the applicant in  
179 accordance with Section 93-11-64.

180       SECTION 2. This act shall take effect and be in force from  
181 and after July 1, 1999.