

By: Representative Flaggs (By Request)

To: Public Health and
Welfare

HOUSE BILL NO. 145
(As Sent to Governor)

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

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

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

(8) (a) Any person holding a license for the practice of funeral service or funeral directing may have the same renewed for 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.