

By: Representative Holland

To: Public Health and  
WelfareCOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1007

1 AN ACT TO AMEND SECTION 73-11-33, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE REPEALER ON THE STATE BOARD OF FUNERAL SERVICE; TO  
3 REENACT SECTIONS 73-11-41, 73-11-43, 73-11-45, 73-11-47, 73-11-49,  
4 73-11-51, 73-11-53, 73-11-55, 73-11-56, 73-11-57, 73-11-59,  
5 73-11-61 AND 73-11-63, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR  
6 THE LICENSING AND REGULATION OF THE PRACTICE OF FUNERAL SERVICE;  
7 TO AMEND REENACTED SECTION 73-11-49, MISSISSIPPI CODE OF 1972, TO  
8 SPECIFY WHEN OFFICERS OF THE BOARD SHALL BE ELECTED; TO AMEND  
9 REENACTED SECTION 73-11-57, MISSISSIPPI CODE OF 1972, TO REVISE  
10 GROUNDS FOR REFUSAL TO ISSUE, RENEW, SUSPEND OR REVOKE LICENSES;  
11 AND FOR RELATED PURPOSES.

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

13 SECTION 1. Section 73-11-33, Mississippi Code of 1972, is  
14 amended as follows:

15 73-11-33. Sections 73-11-41 through 73-11-63, which create  
16 the State Board of Funeral Service and prescribe its duties and  
17 powers, shall stand repealed as of July 1, 2003.

18 SECTION 2. Section 73-11-41, Mississippi Code of 1972, is  
19 reenacted as follows:

20 73-11-41. The following terms shall have the meanings  
21 ascribed herein unless the context shall otherwise require:

22 (a) "Board" shall mean the State Board of Funeral  
23 Service of the State of Mississippi as created by Section  
24 73-11-43, or any successor thereof.

25 (b) "Embalming" shall mean the disinfection of the dead  
26 human body by replacing certain body fluids with preserving and  
27 disinfecting chemicals.

28 (c) "License for funeral establishment" shall mean a  
29 license issued to a place or premise devoted to or used in the  
30 immediate post-death activities of custody, shelter, care,  
31 preparation and/or embalming for final disposition of the body; or

32 used for religious services or other rites or ceremonies  
33 associated with the final disposition of human dead; or maintained  
34 for the convenience and comfort of the bereaved and the community  
35 for viewing or other services in connection with the human dead,  
36 and as the office or place for carrying on the profession of  
37 funeral service and/or funeral directing.

38 (d) "License for the practice of funeral directing"  
39 shall mean the license given to a person engaging in the "practice  
40 of funeral service" who is not engaged in the practice of  
41 embalming.

42 (e) "License for the practice of funeral service" shall  
43 mean the license given to a person engaging in the "practice of  
44 funeral service," including the practice of embalming.

45 (f) "Practice of funeral service" shall mean (i)  
46 providing shelter, care and custody of the human dead; (ii)  
47 conducting immediate post-death activities; (iii) preparing of the  
48 human dead by embalming or other methods for burial or other  
49 disposition; (iv) being responsible for the transportation of the  
50 human dead, bereaved relatives and friends; (v) making  
51 arrangements, financial or otherwise, for the providing of such  
52 services; (vi) the sale of funeral merchandise; or (vii) the  
53 practice or performance of any function of funeral directing  
54 and/or embalming as presently known, including those stipulated  
55 herein. This definition shall not include persons or corporations  
56 engaging only in the pre-need sale of funeral merchandise or  
57 service.

58 (g) "Resident trainee" shall mean a person who is  
59 preparing to become licensed for the practice of funeral service  
60 or funeral directing and who is serving under the supervision and  
61 instruction of a person duly licensed for the practice of funeral  
62 service or funeral directing in this state.

63 (h) "Solicitation" means the act or practice of  
64 approaching someone with a request or plea, or urging someone  
65 toward a particular cause, as it may pertain to the care, custody  
66 or disposition of a dead human body.

67 SECTION 3. Section 73-11-43, Mississippi Code of 1972, is  
68 reenacted as follows:

69 73-11-43. There is hereby created the State Board of Funeral

70 Service which shall consist of seven (7) members, one (1) funeral  
71 service licensee and one (1) funeral director licensee to be  
72 appointed from each Mississippi Supreme Court district. Three (3)  
73 members shall have been licensed for the practice of funeral  
74 service under this chapter for five (5) consecutive years and/or  
75 have had at least five (5) consecutive years' experience as a  
76 funeral director and embalmer in this state immediately preceding  
77 his appointment. Three (3) members shall have been licensed for  
78 the practice of funeral directing under this chapter for five (5)  
79 consecutive years and/or have had at least five (5) consecutive  
80 years' experience as a funeral director immediately preceding his  
81 appointment. One (1) member shall be a public member and be  
82 appointed from the public at large. The members of the board  
83 shall be appointed by the Governor with the advice and consent of  
84 the Senate. All appointments shall be for terms of four (4) years  
85 from the expiration date of the previous term. No board member  
86 shall serve more than two (2) consecutive full terms. Vacancies  
87 in office shall be filled by appointment by the Governor in the  
88 same manner as the appointment to the position which becomes  
89 vacant, subject to the advice and consent of the Senate at the  
90 next regular session of the Legislature. Appointments for  
91 vacancies in office, except those from the public at large, may be  
92 made from a joint list of four (4) qualified persons, two (2) each  
93 submitted by the Mississippi Funeral Directors Association and the  
94 Mississippi Funeral Directors and Morticians Association. Nothing  
95 in this chapter or any other statute shall preclude the members of  
96 the State Embalming Board from serving as members of the State  
97 Board of Funeral Service.

98 SECTION 4. Section 73-11-45, Mississippi Code of 1972, is  
99 reenacted as follows:

100 73-11-45. The members of the board, before entering upon  
101 their duties, shall take and subscribe to the oath of office  
102 prescribed for other state officers, which oath shall be  
103 administered by properly qualified authority and shall be filed in

104 the Office of the Secretary of State.

105 SECTION 5. Section 73-11-47, Mississippi Code of 1972, is  
106 reenacted as follows:

107 73-11-47. The board shall hold not less than two (2)  
108 meetings annually for the purpose of conducting the business of  
109 the board and for examining applications for licenses. Four (4)  
110 or more members shall comprise a quorum. Any member who shall not  
111 attend two (2) consecutive meetings of the board shall be subject  
112 to removal by the Governor. The chairman of the board shall  
113 notify the Governor in writing when any such member has failed to  
114 attend two (2) consecutive regular meetings.

115 SECTION 6. Section 73-11-49, Mississippi Code of 1972, is  
116 reenacted and amended as follows:

117 73-11-49. (1) The board is authorized to select from its  
118 own membership a chairman, vice chairman and secretary-treasurer.

119 Election of officers shall be held at the first regularly  
120 scheduled meeting of the fiscal year.

121 (2) All members of the board shall be reimbursed for their  
122 necessary traveling expenses and mileage incident to their  
123 attendance upon the business of the board, as provided in Section  
124 25-3-41, and shall receive a per diem as provided in Section  
125 25-3-69 for every day actually spent upon the business of the  
126 board, not to exceed twenty (20) days per year unless authorized  
127 by a majority vote of the board.

128 (3) All monies received by the board shall be paid into a  
129 special fund in the State Treasury to the credit of the board and  
130 shall be used by the board for paying the traveling and necessary  
131 expenses and per diem of the members of the board while on board  
132 business, and for paying other expenses necessary for the  
133 operation of the board in carrying out and involving the  
134 provisions of this chapter.

135 (4) The board shall employ an administrator of the board,  
136 who shall have complete supervision and be held responsible for  
137 the direction of the office of the board, shall have supervision

138 over field inspections and enforcement of the provisions of this  
139 chapter, shall have such other duties as may be assigned by the  
140 board, shall be responsible and answerable to the board. The  
141 board may employ such other clerical assistants and employees as  
142 may be necessary to carry out the provisions of this chapter, and  
143 the terms and conditions of such employment shall be determined by  
144 the board in accordance with applicable state law and rules and  
145 regulations of the State Personnel Board.

146 (5) The board, when it shall deem necessary, shall be  
147 represented by an assistant Attorney General duly appointed by the  
148 Attorney General of this state, and may also request and receive  
149 the assistance of other state agencies and county and district  
150 attorneys, all of whom are authorized to provide the assistance  
151 requested.

152 (6) The board shall have subpoena power in enforcing the  
153 provisions of this chapter.

154 (7) The board shall adopt and promulgate rules and  
155 regulations for the transaction of its business in accordance with  
156 the provisions of the Mississippi Administrative Procedures Law  
157 (Section 25-43-1 et seq.). No rule or regulation promulgated by  
158 the board affecting any person or agency outside the board shall  
159 be adopted, amended or repealed without a public hearing on the  
160 proposed action. The board shall give written notice at least  
161 thirty (30) days in advance of any meeting with respect to any  
162 proposed adoption, amendment or repeal of a rule or regulation of  
163 the board, in accordance with the Administrative Procedures Act,  
164 as well as notifying the duly elected presidents and secretaries  
165 of the Mississippi Funeral Directors Association and the  
166 Mississippi Funeral Directors and Morticians Association, or their  
167 successors.

168 (8) The board may designate the administrator to perform  
169 inspections under this chapter, may employ an individual to  
170 perform such inspections or may contract with any other individual  
171 or entity to perform such inspections. Any individual or entity

172 that performs such inspections shall have the right of entry into  
173 any place in which the business or practice of funeral service  
174 and/or funeral directing is carried on or advertised as being  
175 carried on, for the purpose of inspection, for the investigation  
176 of complaints coming before the board and for such other matters  
177 as the board may direct.

178 (9) The board shall not pass any rule or regulation  
179 pertaining to the transportation of dead bodies in any manner or  
180 requiring them to be embalmed.

181 SECTION 7. Section 73-11-51, Mississippi Code of 1972, is  
182 reenacted as follows:

183 73-11-51. (1) No person shall engage in the business or  
184 practice of funeral service, including embalming, and/or funeral  
185 directing or hold himself out as transacting or practicing or  
186 being entitled to transact or practice funeral service, including  
187 embalming, and/or funeral directing in this state unless duly  
188 licensed pursuant to the provisions of this chapter.

189 (2) The board is authorized and empowered to examine  
190 applicants for licenses for the practice of funeral service and  
191 funeral directing and shall issue the proper license to those  
192 persons who successfully pass the applicable examination and  
193 otherwise comply with the provisions of this chapter.

194 (3) To be licensed for the practice of funeral directing  
195 under this chapter, a person must (a) be at least eighteen (18)  
196 years of age; (b) have a high school diploma or the equivalent  
197 thereof; (c) have served as a resident trainee for not less than  
198 twenty-four (24) months under the supervision of a person licensed  
199 for the practice of funeral service or funeral directing in this  
200 state; (d) have successfully passed a written and/or oral  
201 examination as prepared or approved by the board; and (e) be of  
202 good moral character.

203 (4) To be licensed for the practice of funeral service under  
204 this chapter, a person must (a) be at least eighteen (18) years of  
205 age; (b) have a high school diploma or the equivalent thereof; (c)

206 have satisfactorily completed twelve (12) months or more of  
207 academic and professional instruction from an institution  
208 accredited by the American Board of Funeral Service Education or  
209 any other successor recognized by the United States Department of  
210 Education for funeral service education; (d) have served as a  
211 resident trainee for not less than twelve (12) months, either  
212 prior to or after graduation from an accredited institution  
213 mentioned above, under the supervision of a person licensed for  
214 the practice of funeral service in this state or having the prior  
215 equivalent license of this state; (e) have successfully passed a  
216 written and/or oral examination as prepared or approved by the  
217 board; and (f) be of good moral character.

218 (5) All applications for examination and license for the  
219 practice of funeral service or funeral directing shall be upon  
220 forms furnished by the board and shall be accompanied by an  
221 examination fee, a licensing fee and a nonrefundable application  
222 fee in amounts fixed by the board in accordance with Section  
223 73-11-56. The fee for an initial license, however, may be  
224 prorated in proportion to the period of time from the date of  
225 issuance to the date of biennial license renewal prescribed in  
226 subsection (8) of this section. All applications for examination  
227 shall be filed with the board office at least sixty (60) days  
228 prior to date of examination. A candidate shall be deemed to have  
229 abandoned the application for examination if he does not appear on  
230 the scheduled date of examination unless such failure to appear  
231 has been approved by the board.

232 (6) The practice of funeral service or funeral directing  
233 must be engaged in at a licensed funeral establishment, at least  
234 one (1) of which is listed as the licensee's place of business;  
235 and no person, partnership, corporation, association or other  
236 organization shall open or maintain a funeral establishment at  
237 which to engage in or conduct or hold himself or itself out as  
238 engaging in the practice of funeral service or funeral directing  
239 until such establishment has complied with the licensing

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

249 (7) Any person holding a valid, unrevoked and unexpired  
250 license in another state or territory having requirements  
251 substantially similar to those of this state may apply for a  
252 license to practice in this state by filing with the board a  
253 certified statement from the secretary of the licensing board of  
254 the state or territory in which the applicant holds his license  
255 certifying to his qualifications and good standing with that board  
256 by having successfully passed a written and/or oral examination on  
257 the Mississippi Funeral Service licensing law and rules and  
258 regulations as prepared or approved by the board, and by paying a  
259 nonrefundable application fee set by the board pursuant to Section  
260 73-11-56. If the board finds that the applicant has fulfilled  
261 substantially similar requirements, the board shall grant such  
262 license upon receipt of a fee in an amount equal to the renewal  
263 fee set by the board for a license for the practice of funeral  
264 service or funeral directing, as the case may be, in this state.  
265 The board may issue a temporary funeral service or funeral  
266 directing work permit before a license is granted, prior to the  
267 next regular meeting of the board, if the applicant for a  
268 reciprocal license has complied with all requirements, rules and  
269 regulations of the board. The temporary permit will expire at the  
270 next regular meeting of the board.

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



274 application therefor within thirty (30) days preceding the  
275 expiration of his license on forms provided by the board and upon  
276 payment of a renewal fee in an amount set by the board in  
277 accordance with Section 73-11-56. The board shall mail a notice  
278 of the due date for payment of the renewal fee to the last known  
279 address of each licensee at least thirty (30) days prior to such  
280 date.

281 (b) If the renewal fee is not paid on or before the  
282 date that it is due, a late fee, as prescribed by Section  
283 73-11-56, in addition to the regular renewal fee, shall be  
284 required. A period of thirty (30) days shall be allowed after the  
285 expiration of a license, during which time the license may be  
286 renewed on the payment of the renewal fee plus the applicable late  
287 fee. If a person fails to renew his license during the aforesaid  
288 thirty-day period, the license of such person shall by operation  
289 of law automatically expire and become void without further action  
290 of the board. The board may reinstate such license if application  
291 for licensure is made within a period of five (5) years, upon  
292 payment of the renewal fee for the current year, all fees in  
293 arrears, late fees and a reinstatement fee as set by the board.  
294 After such five-year period, the license may be reinstated only by  
295 payment of the renewal fee for the current year, all renewal fees  
296 in arrears, late fees plus a reinstatement fee and by the licensee  
297 successfully passing a written and/or oral examination as prepared  
298 or approved by the board.

299 (c) The expiration date of each license issued or  
300 renewed shall be established by rules and regulations of the  
301 board. Subject to the provisions of this subsection, each license  
302 shall be renewable on a biennial basis upon filing of a renewal  
303 application and upon payment of the renewal fee established  
304 pursuant to Section 73-11-56. To provide for a system of biennial  
305 renewal of licenses, the board may provide by rules and  
306 regulations that licenses issued or renewed for the first time  
307 after July 1, 1994, may expire less than two (2) years from the

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

315 (9) Any person holding on July 1, 1984, a license to  
316 practice embalming shall be entitled to a license for either of  
317 the named licenses upon meeting the same terms and conditions as  
318 are herein provided for the renewal of licenses of those who may  
319 be licensed after July 1, 1984. Any person in this state engaged  
320 in the practice of funeral directing on July 1, 1984, either as an  
321 owner of a funeral establishment or an employee thereof, who has  
322 had experience as a funeral director for at least two (2) years  
323 within the five (5) years immediately preceding July 1, 1984,  
324 shall be entitled to a license for funeral directing upon meeting  
325 the same terms and conditions as are herein provided for the  
326 renewal of licenses for the practice of funeral directing.  
327 However, from and after July 1, 1991, the board shall issue  
328 licenses only as provided for under the provisions of subsections  
329 (3) and (4) of this section.

330 (10) The board may, in its discretion, in the event of a  
331 major disaster or emergency where human death is likely to occur,  
332 temporarily authorize the practice of funeral directing and  
333 funeral service by persons licensed to practice in another state  
334 but not licensed to practice in this state, provided that such  
335 services are only rendered by members of disaster mortuary teams  
336 authorized by federal or appropriate local authorities to provide  
337 such services. Only persons licensed in this state, however, may  
338 sign death certificates.

339 (11) Each application or filing made under this section  
340 shall include the Social Security number(s) of the applicant in  
341 accordance with Section 93-11-64, Mississippi Code of 1972.

342 SECTION 8. Section 73-11-53, Mississippi Code of 1972, is  
343 reenacted as follows:

344 73-11-53. (1) A person desiring to become a resident  
345 trainee for the practice of funeral service or funeral directing  
346 shall make application to the board. Such application shall be  
347 sustained by the licensee under whom the applicant is serving, and  
348 shall be accompanied by a nonrefundable application fee in an  
349 amount set by the board in accordance with Section 73-11-56. When  
350 the board is satisfied as to the qualifications of an applicant,  
351 it shall issue a certificate of resident traineeship. No credit  
352 toward the resident traineeship will be allowed prior to the  
353 receipt of a properly completed application and applicable fee at  
354 the board office.

355 (2) The board shall have the power to suspend or revoke a  
356 certificate of a resident traineeship for violation of any  
357 provision of this chapter.

358 (3) A resident trainee who has allowed a certificate of  
359 resident traineeship to lapse or who has had a resident  
360 traineeship suspended or revoked, may, within one (1) year after  
361 such lapse, suspension or revocation, make application for  
362 reregistration, but no more than two (2) such consecutive  
363 registrations shall be allowed by the board.

364 SECTION 9. Section 73-11-55, Mississippi Code of 1972, is  
365 reenacted as follows:

366 73-11-55. (1) No person or party shall conduct, maintain,  
367 manage or operate a funeral establishment or branch thereof unless  
368 a license for each such establishment has been issued by the board  
369 and is conspicuously displayed in such funeral establishment. In  
370 case of funeral services held in any private residence, church,  
371 cemetery, cemetery chapel, cemetery facility, or lodge hall, no  
372 license shall be required.

373 (2) To be licensed as a funeral establishment, a place or  
374 premise must be at a fixed and specified address or location and  
375 must be used for immediate post-death activities, whether used for

376 the custody, shelter, care, preparation and/or embalming of the  
377 human dead. Every funeral establishment shall be under the charge  
378 and personal supervision of a Mississippi funeral director  
379 licensee or a Mississippi funeral service licensee. The licensee  
380 in charge and the licensee with personal supervisory  
381 responsibilities need not be the same licensee. Each licensed  
382 funeral establishment shall be inspected at least once during each  
383 licensing period. Such inspections may be unannounced.

384 (3) For the purposes of this section:

385 (a) A funeral establishment must contain a preparation  
386 and/or embalming room, adequate casket vault selection room, and  
387 holding facilities or proper room or rooms in which rites and  
388 ceremonies may be held.

389 (b) A branch is a funeral establishment that is part of  
390 a multi-unit enterprise within this state. A branch establishment  
391 need not meet all requirements specified in paragraph (a) of this  
392 subsection and need not be under the personal supervision of a  
393 Mississippi funeral director licensee or a Mississippi funeral  
394 service licensee if the branch is within seventy (70) miles of the  
395 headquarters' location.

396 If the branch meets all requirements of a funeral  
397 establishment as specified in paragraph (a) of this subsection,  
398 such establishment must be under the charge and personal  
399 supervision of a Mississippi funeral director licensee or a  
400 Mississippi funeral service licensee.

401 (c) A commercial mortuary service is a funeral  
402 establishment that embalms and transports for licensed funeral  
403 establishments and does not sell any services or merchandise  
404 directly or at retail to the public.

405 (4) Applications for funeral establishment licenses, branch  
406 establishment licenses or commercial mortuary service licenses  
407 shall be made on blanks furnished by the board and shall be  
408 accompanied by a fee in an amount fixed by the board pursuant to  
409 Section 73-11-56. All establishment licenses shall be issued for

410 a period of two (2) years, except initial licenses may be prorated  
411 from the date of issuance to the next renewal date.

412 Renewal funeral establishment applications and license fees  
413 shall be due and payable to the board on or before the expiration  
414 date of the license. The board shall mail a notice of the due  
415 date for payment of the renewal fee at least thirty (30) days  
416 prior to the license expiration date.

417 (5) If the renewal fee is not paid on or before the date  
418 that it is due, a late fee, as prescribed by Section 73-11-56,  
419 shall be added to the renewal fee. A period of thirty (30) days  
420 shall be allowed after the expiration of a license, during which  
421 time the funeral establishment, branch establishment or commercial  
422 mortuary service license may be renewed on the payment of the  
423 renewal fee plus the applicable late fee. If the license is not  
424 renewed during the aforesaid thirty-day period, such license shall  
425 by operation of law automatically expire and become void without  
426 further action of the board. All establishments whose licenses  
427 have expired under this section may be reinstated by filing with  
428 the board an application for reinstatement, submitting to an  
429 inspection during which time the licensee in charge of such  
430 establishment shall be interviewed by the board or its designee  
431 and by paying all renewal fees in arrears, late fees, a  
432 reinstatement fee and an inspection fee.

433 (6) A license for each new establishment, change of  
434 location, change of ownership, or reinstatement of an  
435 establishment shall not be issued until an inspection has been  
436 made, license and inspection fees have been paid, and the licensee  
437 in charge of such establishment has been interviewed by the board  
438 or its designee.

439 (7) No operator of a funeral establishment shall allow any  
440 person licensed for the practice of funeral service or funeral  
441 directing, as the case may be, to operate out of such funeral  
442 establishment unless such licensee is the operator of or an  
443 employee of the operator of a funeral establishment which has been

444 issued a license by the board.

445 (8) The board is authorized to establish rules and  
446 regulations for the issuance of a special funeral establishment  
447 work permit.

448 SECTION 10. Section 73-11-56, Mississippi Code of 1972, is  
449 reenacted as follows:

450 73-11-56. On or before October 1 of each year, the board  
451 shall determine the amount of funds that will be required during  
452 the next ensuing two (2) years to properly administer the laws  
453 which the board is directed to enforce and administer and by rule  
454 and regulation shall fix fees in such reasonable sums as may be  
455 necessary for such purposes within the following limitations:

456 Funeral establishment:

457	Application fee, not more than.....	\$150.00
458	Inspection fee, not more than.....	\$ 75.00
459	Funeral establishment license fee, not more than....	\$150.00
460	Branch establishment license fee, not more than.....	\$150.00
461	Commercial mortuary service license fee, not	
462	more than.....	\$150.00
463	Renewal application and license fee, not more than...	\$300.00
464	Special work permit.....	\$150.00

465 Funeral Service:

466	Application fee, not more than.....	\$ 50.00
467	Reciprocal application fee, not more than.....	\$100.00
468	License fee, not more than.....	\$ 75.00
469	Renewal license fee, not more than.....	\$ 75.00
470	Work permit, not more than.....	\$ 50.00
471	Examination fee.....	Cost of the examination

472 Funeral Director:

473	Application fee, not more than.....	\$ 50.00
474	Reciprocal application fee, not more than.....	\$100.00
475	License fee, not more than.....	\$ 50.00
476	Renewal license fee, not more than.....	\$ 50.00
477	Work permit, not more than.....	\$ 50.00

478 Examination fee..... Cost of the examination  
 479 Resident trainee certificate:  
 480 Funeral service application fee, not more than..... \$ 50.00  
 481 Funeral director application fee, not more than..... \$ 50.00  
 482 Funeral service renewal application fee,  
 483 not more than..... \$ 50.00  
 484 Funeral director renewal application fee,  
 485 not more than..... \$50.00  
 486 Other fees:  
 487 Duplicate license fee, not more than..... \$ 25.00  
 488 Reinstatement of lapsed license fee, not more than  
 489 one-half (1/2) of the applicable license fee.  
 490 Late fees, not more than one-half (1/2) of the  
 491 applicable license fee.

492 At least thirty (30) days prior to the expiration date of any  
 493 license issued by the board, the board shall notify the licensee  
 494 of the applicable renewal fee therefor.

495 The fees established by the board under this section  
 496 immediately before July 1, 1991, shall continue in effect until  
 497 such fees are fixed by the board by rules and regulations as  
 498 provided in this section.

499 SECTION 11. Section 73-11-57, Mississippi Code of 1972, is  
 500 reenacted and amended as follows:

501 73-11-57. (1) The board may refuse to examine or to issue  
 502 or renew, or may suspend or revoke, any license, or may reprimand  
 503 or place the holder thereof on a term of probation, after proper  
 504 hearing, upon finding the holder of such license to be guilty of  
 505 acts of commission or omission including the following: (a) the  
 506 employment of fraud or deception in applying for a license or in  
 507 passing the examination provided for in this chapter; (b) the  
 508 erroneous issuance of a license to any person; (c) the conviction  
 509 of a felony by any court in this state or any federal court or by  
 510 the court of any other state or territory of the United States;  
 511 (d) the practice of embalming under a false name or without a

512 license for the practice of funeral service; (e) the impersonation  
513 of another funeral service or funeral directing licensee; (f) the  
514 permitting of a person other than a funeral service or funeral  
515 directing licensee to make arrangements for a funeral and/or form  
516 of disposition; (g) violation of any provision of this chapter or  
517 any rule or regulation of the board; (h) having had a license for  
518 the practice of funeral service or funeral directing suspended or  
519 revoked in any jurisdiction, having voluntarily surrendered his  
520 license in any jurisdiction, having been placed on probation in  
521 any jurisdiction, having been placed under disciplinary order(s)  
522 or other restriction in any manner for funeral directing and/or  
523 funeral service, or operating a funeral establishment (a certified  
524 copy of the order of suspension, revocation, probation or  
525 disciplinary action shall be prima facie evidence of such action);  
526 (i) solicitation of dead human bodies by the licensee, his agents,  
527 assistants or employees, whether such solicitation occurs after  
528 death or when death is imminent; however, this shall not be deemed  
529 to prohibit general advertising; (j) employment directly or  
530 indirectly of any apprentice, agent, assistant, employee, or other  
531 person, on a part-time or full-time basis or on commission, for  
532 the purpose of calling upon individuals or institutions by whose  
533 influence dead human bodies may be turned over to a particular  
534 funeral establishment; (k) unprofessional conduct which includes  
535 but is not limited to: (i) retaining a dead human body for the  
536 payment of a fee for the performance of services not authorized in  
537 writing; (ii) knowingly performing any act which in any way  
538 assists an unlicensed person to practice funeral service or  
539 funeral directing; (iii) being guilty of any dishonorable conduct  
540 likely to deceive, defraud or harm the public; (iv) any act or  
541 omission in the practice of funeral service or directing which  
542 constitutes dishonesty, fraud or misrepresentation with the intent  
543 to benefit the licensee, another person or funeral establishment,  
544 or with the intent to substantially injure another person,  
545 licensee or funeral establishment; or (v) any act or conduct,



546 whether the same or of a different character than specified above,  
547 which constitutes or demonstrates bad faith, incompetency or  
548 untrustworthiness; or dishonest, fraudulent or improper dealing;  
549 or any other violation of the provisions of this chapter, the  
550 rules and regulations established by the board or any rule or  
551 regulation promulgated by the Federal Trade Commission relative to  
552 the practice of funeral service or directing.

553         (2) The board may, upon satisfactory proof that the  
554 applicant or licensee has been guilty of any of the offenses above  
555 enumerated, refuse to examine or issue a license to the applicant,  
556 or may refuse to renew or revoke or suspend the license of the  
557 licensee, or place on probation or reprimand him, upon a majority  
558 vote of the board members, after a hearing thereon. The board is  
559 hereby vested with full power and authority to hold and conduct  
560 such hearings, compel the attendance of witnesses and the  
561 production of books, records and documents, issue subpoenas  
562 therefor, administer oaths, examine witnesses, and do all things  
563 necessary to properly conduct such hearings. The board may waive  
564 the necessity of a hearing if the person accused of a violation  
565 admits that he has been guilty of such offense. Any person who  
566 has been refused a license or whose license has been revoked or  
567 suspended may, within thirty (30) days after the decision of the  
568 board, file with the board a written notice stating that he feels  
569 himself aggrieved by such decision and appeals therefrom to the  
570 circuit court. Upon the filing of such notice, the secretary of  
571 the board shall transmit to the clerk of the circuit court the  
572 records and findings of such proceedings. The circuit court shall  
573 hear and determine as to whether the action of the board was in  
574 accord or consistent with law, or was arbitrary, unwarranted or in  
575 abuse of discretion. An appeal from the circuit court judgment or  
576 decree may be reviewed by the Supreme Court as is provided by law  
577 for other appeals.

578         (3) In a proceeding conducted under this section by the  
579 board for the revocation or suspension of a license, the board

580 shall have the power and authority for the grounds stated for such  
581 revocation or suspension, and in addition thereto or in lieu of  
582 such revocation or suspension may assess and levy upon any person  
583 licensed under this chapter, a monetary penalty, as follows:

584           (a) For the first violation of any of the subparagraphs  
585 of subsection (1) of this section, a monetary penalty of not less  
586 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
587 (\$500.00).

588           (b) For the second violation of any of the  
589 subparagraphs of subsection (1) of this section, a monetary  
590 penalty of not less than One Hundred Dollars (\$100.00) nor more  
591 than One Thousand Dollars (\$1,000.00).

592           (c) For the third and any subsequent violation of any  
593 of the subparagraphs of subsection (1) of this section, a monetary  
594 penalty of not less than Five Hundred Dollars (\$500.00) and not  
595 more than Five Thousand Dollars (\$5,000.00).

596           (d) For any violation of any of the subparagraphs of  
597 subsection (1) of this section, those reasonable costs that are  
598 expended by the board in the investigation and conduct of a  
599 proceeding for licensure revocation or suspension, including but  
600 not limited to the cost of process service, court reporters,  
601 expert witnesses and investigators.

602           (4) The power and authority of the board to assess and levy  
603 such monetary penalties hereunder shall not be affected or  
604 diminished by any other proceeding, civil or criminal, concerning  
605 the same violation or violations except as provided in this  
606 section.

607           (5) A licensee shall have the right of appeal from the  
608 assessment and levy of a monetary penalty as provided in this  
609 section under the same conditions as a right of appeal is provided  
610 elsewhere for appeals from an adverse ruling, order or decision of  
611 the board.

612           (6) Any monetary penalty assessed and levied under this  
613 section shall not take effect until after the time for appeal

614 shall have expired. In the event of an appeal, such appeal shall  
615 act as a supersedeas.

616 (7) A monetary penalty assessed and levied under this  
617 section shall be paid to the board by the licensee upon the  
618 expiration of the period allowed for appeal of such penalties  
619 under this section or may be paid sooner if the licensee elects.  
620 With the exception of subsection (3)(d) of this section, monetary  
621 penalties collected by the board under this section shall be  
622 deposited to the credit of the General Fund of the State Treasury.  
623 Any monies collected by the board under subsection (3)(d) of this  
624 section shall be deposited into the special fund operating account  
625 of the board.

626 (8) When payment of a monetary penalty assessed and levied  
627 by the board against a licensee in accordance with this section is  
628 not paid by the licensee when due under this section, the board  
629 shall have power to institute and maintain proceedings in its name  
630 for enforcement of payment in the chancery court of the county and  
631 judicial district of residence of the licensee, and if the  
632 licensee be a nonresident of the State of Mississippi, such  
633 proceedings shall be in the Chancery Court of the First Judicial  
634 District of Hinds County, Mississippi.

635 (9) In addition to the reasons specified in subsection (1)  
636 of this section, the board shall be authorized to suspend the  
637 license of any licensee for being out of compliance with an order  
638 for support, as defined in Section 93-11-153. The procedure for  
639 suspension of a license for being out of compliance with an order  
640 for support, and the procedure for the reissuance or reinstatement  
641 of a license suspended for that purpose, and the payment of any  
642 fees for the reissuance or reinstatement of a license suspended  
643 for that purpose, shall be governed by Section 93-11-157 or  
644 93-11-163, as the case may be. Actions taken by the board in  
645 suspending a license when required by Section 93-11-157 or  
646 93-11-163 are not actions from which an appeal may be taken under  
647 this section. Any appeal of a license suspension that is required

648 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
649 with the appeal procedure specified in Section 93-11-157 or  
650 93-11-163, as the case may be, rather than the procedure specified  
651 in this section. If there is any conflict between any provision  
652 of Section 93-11-157 or 93-11-163 and any provision of this  
653 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
654 case may be, shall control.

655 SECTION 12. Section 73-11-59, Mississippi Code of 1972, is  
656 reenacted as follows:

657 73-11-59. Any person, partnership, corporation, association  
658 or his or her or its agents or representatives who shall violate  
659 any of the provisions of this chapter shall be deemed guilty of a  
660 misdemeanor and, upon conviction thereof, shall be punished by a  
661 fine of not less than Five Hundred Dollars (\$500.00) nor more than  
662 One Thousand Dollars (\$1,000.00), or by imprisonment for not more  
663 than six (6) months in the county jail, or by both such fine and  
664 imprisonment.

665 SECTION 13. Section 73-11-61, Mississippi Code of 1972, is  
666 reenacted as follows:

667 73-11-61. Every funeral director shall provide, prior to the  
668 rendering of services, an itemized written statement of all  
669 funeral expenses to the person who authorizes the services and is  
670 responsible for payment of the expenses therefor, in a manner and  
671 in a form to be prescribed by rule and regulation of the board.

672 SECTION 14. Section 73-11-63, Mississippi Code of 1972, is  
673 reenacted as follows:

674 73-11-63. Nothing herein shall be construed to authorize the  
675 regulation or licensing of cemeteries, cemetery chapels or  
676 cemetery crematories by the board, except the regulation or  
677 licensing of any funeral establishment operated by a cemetery.

678 SECTION 15. This act shall take effect and be in force from  
679 and after July 1, 1999.