

By: Representatives Banks, Evans

To: Insurance

HOUSE BILL NO. 1361

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE REGISTRATION OF SELLERS OF PRENEED FUNERAL  
3 SERVICES; AND FOR RELATED PURPOSES.

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

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

7 73-11-51. (1) No person shall engage in the business or  
8 practice of funeral service, including embalming, and/or funeral  
9 directing or hold himself out as transacting or practicing or  
10 being entitled to transact or practice funeral service, including  
11 embalming, and/or funeral directing in this state unless duly  
12 licensed pursuant to the provisions of this chapter.

13 (2) The board is authorized and empowered to examine  
14 applicants for licenses for the practice of funeral service and  
15 funeral directing and shall issue the proper license to those  
16 persons who successfully pass the applicable examination and  
17 otherwise comply with the provisions of this chapter.

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

27 (4) To be licensed for the practice of funeral service under

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

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

56 (6) The practice of funeral service or funeral directing  
57 must be engaged in at a licensed funeral establishment, at least  
58 one (1) of which is listed as the licensee's place of business;  
59 and no person, partnership, corporation, association or other  
60 organization shall open or maintain a funeral establishment at  
61 which to engage in or conduct or hold himself or itself out as

62 engaging in the practice of funeral service or funeral directing  
63 until such establishment has complied with the licensing  
64 requirements of this chapter. A license for the practice of  
65 funeral service or funeral directing shall be used only at  
66 licensed funeral establishments; however, this provision shall not  
67 prevent a person licensed for the practice of funeral service or  
68 funeral directing from conducting a funeral service at a church, a  
69 residence, public hall, lodge room or cemetery chapel, if such  
70 person maintains a fixed licensed funeral establishment of his own  
71 or is in the employ of or an agent of a licensed funeral  
72 establishment.

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

95 (8) (a) Any person holding a license for the practice of

96 funeral service or funeral directing may have the same renewed for  
97 a period of two (2) years by making and filing with the board an  
98 application therefor within thirty (30) days preceding the  
99 expiration of his license on forms provided by the board and upon  
100 payment of a renewal fee in an amount set by the board in  
101 accordance with Section 73-11-56. The board shall mail a notice  
102 of the due date for payment of the renewal fee to the last known  
103 address of each licensee at least thirty (30) days prior to such  
104 date.

105 (b) If the renewal fee is not paid on or before the  
106 date that it is due, a late fee, as prescribed by Section  
107 73-11-56, in addition to the regular renewal fee, shall be  
108 required. A period of thirty (30) days shall be allowed after the  
109 expiration of a license, during which time the license may be  
110 renewed on the payment of the renewal fee plus the applicable late  
111 fee. If a person fails to renew his license during the aforesaid  
112 thirty-day period, the license of such person shall by operation  
113 of law automatically expire and become void without further action  
114 of the board. The board may reinstate such license if application  
115 for licensure is made within a period of five (5) years, upon  
116 payment of the renewal fee for the current year, all fees in  
117 arrears, late fees and a reinstatement fee as set by the board.  
118 After such five-year period, the license may be reinstated only by  
119 payment of the renewal fee for the current year, all renewal fees  
120 in arrears, late fees plus a reinstatement fee and by the licensee  
121 successfully passing a written and/or oral examination as prepared  
122 or approved by the board.

123 (c) The expiration date of each license issued or  
124 renewed shall be established by rules and regulations of the  
125 board. Subject to the provisions of this subsection, each license  
126 shall be renewable in a biennial basis upon filing of a renewal  
127 application and upon payment of the renewal fee established  
128 pursuant to Section 73-11-56. To provide for a system of biennial  
129 renewal of licenses, the board may provide by rules and

130 regulations that licenses issued or renewed for the first time  
131 after July 1, 1994, may expire less than two (2) years from the  
132 date of issuance or renewal. In each case in which a license is  
133 issued or renewed for a period of time less than two (2) years,  
134 the board shall prorate to the nearest whole month the license or  
135 renewal fee established pursuant to Section 73-11-56. The  
136 provisions of this paragraph (c) shall not apply to the resident  
137 trainee certificate or period of resident traineeship under  
138 Section 73-11-53.

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

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

163 (11) Each application or filing made under this section

164 shall include the Social Security number(s) of the applicant in  
165 accordance with Section 93-11-64, Mississippi Code of 1972.

166 (12) All sellers of preneed funeral services shall register  
167 with the board and pay a registration fee of Twenty-five Dollars  
168 (\$25.00) every two (2) years to be eligible to conduct business in  
169 the State of Mississippi. Any person, firm, corporation or other  
170 entity who does not register and pay the registration fee shall be  
171 guilty of a misdemeanor and, upon conviction, shall be fined One  
172 Thousand Dollars (\$1,000.00). All registered sellers of preneed  
173 funeral services must have a contract with a licensed funeral  
174 establishment at a specified price in order to provide such  
175 services and copies of such contracts shall be provided to the  
176 board. For the purposes of this subsection, "preneed funeral  
177 services" means a contract or agreement for the arrangement for  
178 the disposition of dead human bodies, including, but not limited  
179 to, the sale of caskets, vaults, clothing, urns and any necessary  
180 services related thereto.

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