

By: Representatives Banks, Evans

To: Public Health and
Welfare

HOUSE BILL NO. 1378

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE CONTINUING EDUCATION FOR FUNERAL SERVICE LICENSEES; AND
3 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 with
100 proof of completion of a minimum of six (6) hours of continuing
101 education applicable to the type of license as approved by the
102 board and upon payment of a renewal fee in an amount set by the
103 board in accordance with Section 73-11-56. The board shall
104 develop and approve continuing education sessions in order to
105 provide continuing education for persons licensed under this
106 section. No license shall be renewed without proof and approval
107 by the board of continuing education as required by this
108 paragraph. The board shall mail a notice of the due date for
109 payment of the renewal fee to the last known address of each
110 licensee at least thirty (30) days prior to such date.

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

129 (c) The expiration date of each license issued or

130 renewed shall be established by rules and regulations of the
131 board. Subject to the provisions of this subsection, each license
132 shall be renewable in a biennial basis upon filing of a renewal
133 application and upon payment of the renewal fee established
134 pursuant to Section 73-11-56. To provide for a system of biennial
135 renewal of licenses, the board may provide by rules and
136 regulations that licenses issued or renewed for the first time
137 after July 1, 1994, may expire less than two (2) years from the
138 date of issuance or renewal. In each case in which a license is
139 issued or renewed for a period of time less than two (2) years,
140 the board shall prorate to the nearest whole month the license or
141 renewal fee established pursuant to Section 73-11-56. The
142 provisions of this paragraph (c) shall not apply to the resident
143 trainee certificate or period of resident traineeship under
144 Section 73-11-53.

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

160 (10) The board may, in its discretion, in the event of a
161 major disaster or emergency where human death is likely to occur,
162 temporarily authorize the practice of funeral directing and
163 funeral service by persons licensed to practice in another state

164 but not licensed to practice in this state, provided that such
165 services are only rendered by members of disaster mortuary teams
166 authorized by federal or appropriate local authorities to provide
167 such services. Only persons licensed in this state, however, may
168 sign death certificates.

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

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