

By: Holland

To: Public Health and
Welfare

HOUSE BILL NO. 711
(As Passed the House)

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT STUDENTS ENROLLED IN ACCREDITED FUNERAL SERVICE
3 TECHNOLOGY AND MORTUARY SCIENCE PROGRAMS ARE EXEMPT FROM LICENSING
4 UNDER THE FUNERAL SERVICE LICENSURE LAW WHEN EMBALMING AS PART OF
5 A STUDENT PRACTICUM EXPERIENCE; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 73-11-51, Mississippi Code of 1972, is
8 amended as follows:[RF1]

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

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

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

28 moral character; and (f) have completed at least three (3) hours
29 of continuing education units in areas related to the federal
30 Occupational Safety and Health Act (OSHA) standards. An
31 individual who has reached the age of sixty (60) and has been
32 licensed for at least fifteen (15) years may be exempted from this
33 requirement.

34 (4) To be licensed for the practice of funeral service under
35 this chapter, a person must (a) be at least eighteen (18) years of
36 age; (b) have a high school diploma or the equivalent thereof; (c)
37 have satisfactorily completed twelve (12) months or more of
38 academic and professional instruction from an institution
39 accredited by the American Board of Funeral Service Education or
40 any other successor recognized by the United States Department of
41 Education for funeral service education; (d) have served as a
42 resident trainee for not less than twelve (12) months, either
43 prior to or after graduation from an accredited institution
44 mentioned above, under the supervision of a person licensed for
45 the practice of funeral service in this state or having the prior
46 equivalent license of this state; (e) have successfully passed a
47 written and/or oral examination as prepared or approved by the
48 board; (f) be of good moral character; and (g) have completed at
49 least three (3) hours of continuing education units in areas
50 related to the federal Occupational Safety and Health Act (OSHA)
51 standards. An individual who has reached the age of sixty (60)
52 and has been licensed for at least fifteen (15) years may be
53 exempted from this requirement.

54 (5) All applications for examination and license for the
55 practice of funeral service or funeral directing shall be upon
56 forms furnished by the board and shall be accompanied by an
57 examination fee, a licensing fee and a nonrefundable application
58 fee in amounts fixed by the board in accordance with Section
59 73-11-56. The fee for an initial license, however, may be
60 prorated in proportion to the period of time from the date of
61 issuance to the date of biennial license renewal prescribed in
62 subsection (8) of this section. All applications for examination
63 shall be filed with the board office at least sixty (60) days
64 prior to date of examination. A candidate shall be deemed to have

65 abandoned the application for examination if he does not appear on
66 the scheduled date of examination unless such failure to appear
67 has been approved by the board.

68 (6) The practice of funeral service or funeral directing
69 must be engaged in at a licensed funeral establishment, at least
70 one (1) of which is listed as the licensee's place of business;
71 and no person, partnership, corporation, association or other
72 organization shall open or maintain a funeral establishment at
73 which to engage in or conduct or hold himself or itself out as
74 engaging in the practice of funeral service or funeral directing
75 until such establishment has complied with the licensing
76 requirements of this chapter. A license for the practice of
77 funeral service or funeral directing shall be used only at
78 licensed funeral establishments; however, this provision shall not
79 prevent a person licensed for the practice of funeral service or
80 funeral directing from conducting a funeral service at a church, a
81 residence, public hall, lodge room or cemetery chapel, if such
82 person maintains a fixed licensed funeral establishment of his own
83 or is in the employ of or an agent of a licensed funeral
84 establishment.

85 (7) Any person holding a valid, unrevoked and unexpired
86 license in another state or territory having requirements
87 substantially similar to those of this state may apply for a
88 license to practice in this state by filing with the board a
89 certified statement from the secretary of the licensing board of
90 the state or territory in which the applicant holds his license
91 certifying to his qualifications and good standing with that board
92 by having successfully passed a written and/or oral examination on
93 the Mississippi Funeral Service licensing law and rules and
94 regulations as prepared or approved by the board, and by paying a
95 nonrefundable application fee set by the board pursuant to Section
96 73-11-56. If the board finds that the applicant has fulfilled
97 substantially similar requirements, the board shall grant such

98 license upon receipt of a fee in an amount equal to the renewal
99 fee set by the board for a license for the practice of funeral
100 service or funeral directing, as the case may be, in this state.
101 The board may issue a temporary funeral service or funeral
102 directing work permit before a license is granted, prior to the
103 next regular meeting of the board, if the applicant for a
104 reciprocal license has complied with all requirements, rules and
105 regulations of the board. The temporary permit will expire at the
106 next regular meeting of the board.

107 (8) (a) Any person holding a license for the practice of
108 funeral service or funeral directing may have the same renewed for
109 a period of two (2) years by making and filing with the board an
110 application therefor within thirty (30) days preceding the
111 expiration of his license on forms provided by the board and upon
112 payment of a renewal fee in an amount set by the board in
113 accordance with Section 73-11-56. The board shall mail a notice
114 of the due date for payment of the renewal fee to the last known
115 address of each licensee at least thirty (30) days prior to such
116 date.

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

131 payment of the renewal fee for the current year, all renewal fees
132 in arrears, late fees plus a reinstatement fee and by the licensee
133 successfully passing a written and/or oral examination as prepared
134 or approved by the board.

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

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

164 licenses only as provided for under the provisions of subsections
165 (3) and (4) of this section.

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

175 (11) On an individual basis, a person who is licensed for
176 the practice of funeral service by another state is authorized to
177 make a removal of a deceased person, embalm a deceased person or
178 conduct a funeral or burial service in this state, and a funeral
179 director who is licensed by another state is authorized to conduct
180 a funeral or burial service in this state, in the same manner and
181 to the same extent as provided by the laws of that state to
182 persons licensed by the State of Mississippi for the practice of
183 funeral service or for the practice of funeral directing.

184 (12) Any funeral service technology or mortuary science
185 program accredited by the American Board of Funeral Service
186 Education in the State of Mississippi, as well as students
187 enrolled in such a program, shall be exempt from licensing under
188 this chapter when embalming or otherwise preparing a deceased
189 human body for disposition as part of a student practicum
190 experience, when the student is directly supervised by an
191 instructor or preceptor who holds a current funeral service
192 license. This exemption shall apply to practicum experiences
193 performed at an accredited institution of funeral service
194 technology or mortuary science program or at a duly licensed
195 funeral establishment or commercial mortuary service. Nothing in
196 this subsection shall be construed to allow any funeral service

197 technology or mortuary science program, or those students enrolled
198 in such a program, to engage in practicum experiences for
199 remuneration.

200 (13) Each application or filing made under this section
201 shall include the social security number(s) of the applicant in
202 accordance with Section 93-11-64.

203 SECTION 2. This act shall take effect and be in force from
204 and after July 1, 2000.