

By: Representative McBride

To: Public Health and Welfare

HOUSE BILL NO. 268

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THAT FUNERAL DIRECTORS AND OTHER FUNERAL SERVICE
3 LICENSEES SHALL COMPLETE CERTAIN CONTINUING EDUCATION COURSES EACH
4 YEAR; AND FOR RELATED PURPOSES.

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

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

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

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

19 (3) To be licensed for the practice of funeral directing
20 under this chapter, a person must:

21 (a) Be at least eighteen (18) years of age;

22 (b) Have a high school diploma or the equivalent
23 thereof;

24 (c) Have served as a resident trainee for not less than
25 twenty-four (24) months under the supervision of a person licensed
26 for the practice of funeral service or funeral directing in this
27 state;



28 (d) Have successfully passed a written and/or oral
29 examination as prepared or approved by the board; and

30 (e) Be of good moral character.

31 (4) To be licensed for the practice of funeral service under
32 this chapter, a person must:

33 (a) Be at least eighteen (18) years of age;

34 (b) Have a high school diploma or the equivalent
35 thereof;

36 (c) Have successfully completed twelve (12) months or
37 more of academic and professional instruction from an institution
38 accredited by the United States Department of Education for
39 funeral service education and have a certificate of completion
40 from an institution accredited by the American Board of Funeral
41 Service Education or any other successor recognized by the United
42 States Department of Education for funeral service education;

43 (d) Have served as a resident trainee for not less than
44 twelve (12) months, either prior to or after graduation from an
45 accredited institution mentioned above, under the supervision of a
46 person licensed for the practice of funeral service in this state
47 and in an establishment licensed in this state;

48 (e) Have successfully passed a written and/or oral
49 examination as prepared or approved by the board; and

50 (f) Be of good moral character.

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



61 prior to date of examination. A candidate shall be deemed to have
62 abandoned the application for examination if he does not appear on
63 the scheduled date of examination unless such failure to appear
64 has been approved by the board.

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

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



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

104 (8) (a) Any person holding a license for the practice of
105 funeral service or funeral directing may have the same renewed for
106 a period of two (2) years by making and filing with the board an
107 application on or before the due date. Each individual applicant
108 for renewal of a license issued by the board, on or before the
109 expiration date of his license, or at a time directed by the
110 board, shall submit proof of completion of not less than sixteen
111 (16) clock hours of approved course work to the board, in addition
112 to any other requirements for renewal. Eight (8) clock hours of
113 the required sixteen (16) clock hours of approved course work must
114 be completed in each of the two (2) years preceding the renewal of
115 the license. The sixteen (16) clock hours' course work
116 requirement shall apply to each two-year license renewal, and
117 hours in excess thereof shall not be cumulated or credited for the
118 purposes of subsequent license renewals except as provided herein.
119 The board shall develop standards for approval of courses and
120 shall require certification of such course work of the applicant.
121 The board may determine any required subject matter within the
122 mandated sixteen (16) hours. However, the required subjects shall
123 not exceed eight (8) hours of the total sixteen (16) hours.
124 Approved continuing education hours earned in the final three (3)
125 months of a licensee's renewal period, if in excess of the
126 required minimum sixteen (16) hours, may be carried over and



127 credited to the next renewal period. However, no more than six (6)
128 hours may be carried over in this manner. Any member of the
129 Mississippi Legislature who has a license under this section shall
130 be credited with eight (8) hours of credit for the attendance of
131 each year of a legislative session. The board shall promulgate
132 rules and regulations as necessary to accomplish the purposes of
133 this section in accordance with the Mississippi Administrative
134 Procedures Law. Payment of the renewal fee shall be in an amount
135 set by the board in accordance with Section 73-11-56. The board
136 shall mail the notice of renewal and the due date for the payment
137 of the renewal fee to the last known address of each licensee at
138 least thirty (30) days before that date. It is the responsibility
139 of the licensee to notify the board in writing of any change of
140 address. An application will be considered late if the
141 application and proper fees are not in the board's office or
142 postmarked by the due date.

143 (b) If the renewal fee is not paid on or postmarked by
144 the due date, the license of such person shall by operation of law
145 automatically expire and become void without further action of the
146 board. The board may reinstate such license if application for
147 licensure is made within a period of five (5) years, upon payment
148 of the renewal fee for the current year, all renewal fees in
149 arrears, and a reinstatement fee . After a period of five (5)
150 years, the licensee must make application, pay the current renewal
151 fee, all fees in arrears, and pass a written and/or oral
152 examination as prepared or approved by the board.

153 (9) No license shall be assignable or valid for any person
154 other than the original licensee.

155 (10) The board may, in its discretion, in the event of a
156 major disaster or emergency where human death is likely to occur,
157 temporarily authorize the practice of funeral directing and
158 funeral service by persons licensed to practice in another state
159 but not licensed to practice in this state, provided that such



160 services are only rendered by members of disaster mortuary teams
161 authorized by federal or appropriate local authorities to provide
162 such services. Only persons licensed in this state, however, may
163 sign death certificates.

164 (11) On an individual basis, a person who is licensed for
165 the practice of funeral service by another state is authorized to
166 make a removal of a deceased person, embalm a deceased person or
167 conduct a funeral or burial service in this state, and a funeral
168 director who is licensed by another state is authorized to conduct
169 a funeral or burial service in this state, in the same manner and
170 to the same extent as provided by the laws of that state to
171 persons licensed by the State of Mississippi for the practice of
172 funeral service or for the practice of funeral directing.

173 (12) Any funeral service technology or mortuary science
174 program accredited by the American Board of Funeral Service
175 Education in the State of Mississippi, as well as students
176 enrolled in such a program, shall be exempt from licensing under
177 this chapter when embalming or otherwise preparing a deceased
178 human body for disposition as part of a student practicum
179 experience, when the student is directly supervised by an
180 instructor or preceptor who holds a current funeral service
181 license. This exemption shall apply to practicum experiences
182 performed at an accredited institution of funeral service
183 technology or mortuary science program or at a duly licensed
184 funeral establishment or commercial mortuary service. Nothing in
185 this subsection shall be construed to allow any funeral service
186 technology or mortuary science program, or those students enrolled
187 in such a program, to engage in practicum experiences for
188 remuneration.

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



192 (14) Notwithstanding any provision of this chapter, the
193 board shall issue a license for the practice of funeral directing
194 to any person who (a) is at least sixty (60) years of age, (b) has
195 not less than five (5) years' experience as an employee at a
196 licensed funeral establishment in Mississippi, (c) is presently
197 employed at a licensed funeral establishment in Mississippi, and
198 (d) makes application to the board for the license during the
199 period from July 1, 2002, through July 31, 2002. The board shall
200 furnish persons seeking licensure under this subsection an
201 application form upon request. The applicant's previous
202 experience and current employment at a licensed funeral
203 establishment in Mississippi must be documented in writing by the
204 owner, management or licensee in charge of the funeral
205 establishment and included with the application to the board.

206 **SECTION 2.** This act shall take effect and be in force from
207 and after July 1, 2003.

