

By: Representative Banks

To: Insurance

HOUSE BILL NO. 1265

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:

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

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

23 (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;



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

29 (e) Be of good moral character.

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

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

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

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

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

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

49 (f) Be of good moral character.

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



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

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

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



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

103 (8) (a) Any person holding a license for the practice of
104 funeral service or funeral directing may have the same renewed for
105 a period of two (2) years by making and filing with the board an
106 application on or before the due date. Payment of the renewal fee
107 shall be in an amount set by the board in accordance with Section
108 73-11-56. The board shall mail the notice of renewal and the due
109 date for the payment of the renewal fee to the last known address
110 of each licensee at least thirty (30) days before that date. It
111 is the responsibility of the licensee to notify the board in
112 writing of any change of address. An application will be
113 considered late if the application and proper fees are not in the
114 board's office or postmarked by the due date.

115 (b) If the renewal fee is not paid on or postmarked by
116 the due date, the license of such person shall by operation of law
117 automatically expire and become void without further action of the
118 board. The board may reinstate such license if application for
119 licensure is made within a period of five (5) years, upon payment
120 of the renewal fee for the current year, all renewal fees in
121 arrears, and a reinstatement fee. After a period of five (5)
122 years, the licensee must make application, pay the current renewal
123 fee, all fees in arrears, and pass a written and/or oral
124 examination as prepared or approved by the board.



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

127 (10) The board may, in its discretion, in the event of a
128 major disaster or emergency where human death is likely to occur,
129 temporarily authorize the practice of funeral directing and
130 funeral service by persons licensed to practice in another state
131 but not licensed to practice in this state, provided that such
132 services are only rendered by members of disaster mortuary teams
133 authorized by federal or appropriate local authorities to provide
134 such services. Only persons licensed in this state, however, may
135 sign death certificates.

136 (11) On an individual basis, a person who is licensed for
137 the practice of funeral service by another state is authorized to
138 make a removal of a deceased person, embalm a deceased person or
139 conduct a funeral or burial service in this state, and a funeral
140 director who is licensed by another state is authorized to conduct
141 a funeral or burial service in this state, in the same manner and
142 to the same extent as provided by the laws of that state to
143 persons licensed by the State of Mississippi for the practice of
144 funeral service or for the practice of funeral directing.

145 (12) Any funeral service technology or mortuary science
146 program accredited by the American Board of Funeral Service
147 Education in the State of Mississippi, as well as students
148 enrolled in such a program, shall be exempt from licensing under
149 this chapter when embalming or otherwise preparing a deceased
150 human body for disposition as part of a student practicum
151 experience, when the student is directly supervised by an
152 instructor or preceptor who holds a current funeral service
153 license. This exemption shall apply to practicum experiences
154 performed at an accredited institution of funeral service
155 technology or mortuary science program or at a duly licensed
156 funeral establishment or commercial mortuary service. Nothing in
157 this subsection shall be construed to allow any funeral service



158 technology or mortuary science program, or those students enrolled
159 in such a program, to engage in practicum experiences for
160 remuneration.

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

164 (14) Notwithstanding any provision of this chapter, the
165 board shall issue a license for the practice of funeral directing
166 to any person who (a) is at least sixty (60) years of age, (b) has
167 not less than five (5) years' experience as an employee at a
168 licensed funeral establishment in Mississippi, (c) is presently
169 employed at a licensed funeral establishment in Mississippi, and
170 (d) makes application to the board for the license during the
171 period from July 1, 2002, through July 31, 2002. The board shall
172 furnish persons seeking licensure under this subsection an
173 application form upon request. The applicant's previous
174 experience and current employment at a licensed funeral
175 establishment in Mississippi must be documented in writing by the
176 owner, management or licensee in charge of the funeral
177 establishment and included with the application to the board.

178 (15) All sellers of preneed funeral services shall register
179 with the board and pay a registration fee of Twenty-five Dollars
180 (\$25.00) every two (2) years to be eligible to conduct business in
181 the State of Mississippi. Any person, firm, corporation or other
182 entity who does not register and pay the registration fee shall be
183 guilty of a misdemeanor and, upon conviction, shall be fined One
184 Thousand Dollars (\$1,000.00). All registered sellers of preneed
185 funeral services must have a contract with a licensed funeral
186 establishment at a specified price in order to provide such
187 services, and copies of such contracts shall be provided to the
188 board. For the purposes of this subsection, "preneed funeral
189 services" means a contract or agreement for the arrangement for
190 the disposition of dead human bodies, including, but not limited



191 to, the sale of caskets, vaults, clothing, urns and any necessary
192 services related thereto.

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

