

By: Representative Holland

To: Public Health and Human  
ServicesCOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1198

1 AN ACT TO AMEND SECTION 73-11-33, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF THE REPEALER ON THE PROVISIONS OF LAW THAT  
3 CREATE THE STATE BOARD OF FUNERAL SERVICE AND PRESCRIBE ITS DUTIES  
4 AND POWERS; TO REENACT SECTIONS 73-11-41 THROUGH 73-11-69,  
5 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF FUNERAL  
6 SERVICE AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND REENACTED  
7 SECTION 73-11-41, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN  
8 TERMS; TO AMEND REENACTED SECTION 73-11-49, MISSISSIPPI CODE OF  
9 1972, TO CLARIFY THE LANGUAGE THAT PROHIBITS THE BOARD FROM  
10 ADOPTING RULES OR REGULATIONS PERTAINING TO THE TRANSPORTATION OF  
11 DEAD BODIES; TO AMEND REENACTED SECTION 73-11-51, MISSISSIPPI CODE  
12 OF 1972, TO SPECIFY THE EXAMINATION THAT AN APPLICANT MUST PASS TO  
13 BE LICENSED FOR THE PRACTICE OF FUNERAL SERVICE; TO PROVIDE THAT  
14 THE BOARD MAY ISSUE LICENSES BY RECIPROCITY TO PERSONS HOLDING A  
15 NONRECIPROCAL LICENSE IN ANOTHER STATE HAVING REQUIREMENTS GREATER  
16 THAN OR EQUAL TO THOSE OF THIS STATE; TO AUTHORIZE THE BOARD TO  
17 ENTER INTO WRITTEN AGREEMENTS WITH OTHER STATES DETAILING THE  
18 MANNER AND EXTENT TO WHICH PERSONS LICENSED BY THE STATE OF  
19 MISSISSIPPI MAY PRACTICE FUNERAL SERVICE OR DIRECTING IN THOSE  
20 STATES; TO AMEND REENACTED SECTION 73-11-53, MISSISSIPPI CODE OF  
21 1972, TO PROVIDE THAT RESIDENT TRAINEES MUST SERVE THEIR  
22 APPRENTICESHIP IN A FUNERAL ESTABLISHMENT LICENSED BY THE STATE OF  
23 MISSISSIPPI AND THEIR PRECEPTOR MUST BE A MISSISSIPPI LICENSEE WHO  
24 IS EMPLOYED BY A MISSISSIPPI LICENSED FUNERAL ESTABLISHMENT; TO  
25 AMEND REENACTED SECTION 73-11-55, MISSISSIPPI CODE OF 1972, TO  
26 REQUIRE FUNERAL ESTABLISHMENTS TO RESOLVE VIOLATIONS FOUND DURING  
27 INSPECTIONS AND BE IN FULL COMPLIANCE WITH STATE LAW AND  
28 REGULATIONS WITHIN THIRTY DAYS AFTER FILING OF THE INSPECTION  
29 REPORT; TO DELETE THE REQUIREMENT FOR INSPECTION AND INTERVIEW  
30 BEFORE A CHANGE OF LOCATION, CHANGE OF OWNERSHIP, OR REINSTATEMENT  
31 OF AN ESTABLISHMENT IS AUTHORIZED; TO DELETE THE PROHIBITION ON  
32 OPERATORS OF A FUNERAL ESTABLISHMENT FROM ALLOWING PERSONS  
33 LICENSED FOR THE PRACTICE OF FUNERAL SERVICE OR FUNERAL DIRECTING  
34 TO OPERATE OUT OF THE FUNERAL ESTABLISHMENT UNLESS THE LICENSEE IS  
35 THE OPERATOR OF OR AN EMPLOYEE OF THE OPERATOR OF A FUNERAL  
36 ESTABLISHMENT THAT HAS BEEN ISSUED A LICENSE BY THE BOARD; TO  
37 AMEND REENACTED SECTION 73-11-56, MISSISSIPPI CODE OF 1972, TO  
38 REVISE CERTAIN FEES THAT THE BOARD MAY CHARGE; TO AMEND REENACTED  
39 SECTION 73-11-57, MISSISSIPPI CODE OF 1972, TO DELETE AS A GROUND  
40 FOR DISCIPLINARY ACTION THE FAILURE TO COMPLY WITH AN ORDER OF THE  
41 BOARD WITHIN THIRTY DAYS; TO PROVIDE THAT MAKING A FALSE STATEMENT  
42 ON A DEATH CERTIFICATE MUST BE DONE KNOWINGLY IN ORDER TO BE  
43 GROUNDS FOR DISCIPLINARY ACTION; TO PROVIDE THAT APPEALS OF  
44 DISCIPLINARY ACTIONS OF THE BOARD SHALL BE MADE TO THE CIRCUIT  
45 COURT OF THE COUNTY AND JUDICIAL DISTRICT OF RESIDENCE OF THE  
46 APPELLANT; TO PROVIDE THAT THE AMOUNT OF THE MONETARY PENALTIES  
47 THAT THE BOARD MAY IMPOSE SHALL BE A STATED AMOUNT RATHER THAN  
48 HAVING A MINIMUM AND MAXIMUM AMOUNT; TO PROVIDE THAT MONETARY  
49 PENALTIES COLLECTED BY THE BOARD SHALL BE DEPOSITED IN THE STATE  
50 TREASURY TO THE CREDIT OF THE STATE BOARD OF FUNERAL SERVICE  
51 INSTEAD OF THE STATE GENERAL FUND; TO CREATE NEW SECTION 73-11-58,  
52 MISSISSIPPI CODE OF 1972, TO SPECIFY A LIST OF PERSONS THAT MAY

53 AUTHORIZE THE TYPE, METHOD, PLACE, CREMATION AND OR OTHER  
54 DISPOSITION OF A DECEDENT'S BODY IF THE DECEDENT HAS LEFT NO  
55 WRITTEN AUTHORIZATION FOR THE CREMATION AND OR DISPOSITION OF HIS  
56 BODY; TO AMEND REENACTED SECTION 73-11-59, MISSISSIPPI CODE OF  
57 1972, TO PROVIDE THAT THE AMOUNT OF THE CRIMINAL PENALTIES FOR  
58 VIOLATIONS OF THE FUNERAL SERVICE LICENSURE LAW SHALL BE A STATED  
59 AMOUNT RATHER THAN HAVING A MINIMUM AND MAXIMUM AMOUNT; TO AMEND  
60 REENACTED SECTION 73-11-63, MISSISSIPPI CODE OF 1972, TO REMOVE  
61 THE PROHIBITION ON THE BOARD REGULATION OF CEMETERY CREMATORIES;  
62 TO AMEND REENACTED SECTION 73-11-67, MISSISSIPPI CODE OF 1972, TO  
63 DELETE THE PROVISION THAT RETAIL SELLERS OF CASKETS ARE NOT  
64 SUBJECT TO REGULATION OR SUPERVISION BY THE BOARD; TO AMEND  
65 REENACTED SECTION 73-11-69, MISSISSIPPI CODE OF 1972, TO PROVIDE  
66 THAT THE BOARD SHALL INSPECT EACH LICENSED CREMATORY FACILITY  
67 DURING EACH LICENSURE PERIOD; TO AUTHORIZE CREMATORIES AND FUNERAL  
68 ESTABLISHMENTS TO DISPOSE OF ANY REMAINS UNCLAIMED BY THE FAMILY  
69 AFTER TWELVE MONTHS AFTER CREMATION UPON NOTIFICATION TO THE NEXT  
70 OF KIN; AND FOR RELATED PURPOSES.

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

72 **SECTION 1.** Section 73-11-33, Mississippi Code of 1972, is  
73 amended as follows:

74 73-11-33. Sections 73-11-41 through 73-11-69, which create  
75 the State Board of Funeral Service and prescribe its duties and  
76 powers, shall stand repealed as of July 1, 2010.

77 **SECTION 2.** Section 73-11-41, Mississippi Code of 1972, is  
78 reenacted and amended as follows:

79 73-11-41. The following terms shall have the meanings  
80 ascribed herein unless the context shall otherwise require:

81 (a) "Board" means the State Board of Funeral Service of  
82 the State of Mississippi as created by Section 73-11-43, or any  
83 successor thereof.

84 (b) "Branch establishment" means an auxiliary facility  
85 or division of a main funeral establishment licensed under this  
86 chapter that is within seventy-five (75) miles of the main  
87 facility.

88 (c) "Embalming" means the disinfection of the dead  
89 human body by replacing certain body fluids with preserving and  
90 disinfecting chemicals.

91 (d) "Funeral establishment" means a fixed place or  
92 premise duly licensed by the board that is devoted to or used in  
93 the immediate post death activities of custody, shelter, care,  
94 preparation and/or embalming for final disposition of the body; or

95 used for religious services or other rites or ceremonies  
96 associated with the final disposition of human dead; or maintained  
97 or held out to the public by advertising or otherwise as such, for  
98 the convenience and comfort of the bereaved and the community for  
99 viewing or other services in connection with the human dead, and  
100 as the office or place for carrying on the profession of funeral  
101 service and/or funeral directing.

102 (e) "License for funeral establishment" means a license  
103 issued to a place or premise devoted to or used in the immediate  
104 post-death activities of custody, shelter, care, preparation  
105 and/or embalming for final disposition of the body; or used for  
106 religious services or other rites or ceremonies associated with  
107 the final disposition of human dead; or maintained for the  
108 convenience and comfort of the bereaved and the community for  
109 viewing or other services in connection with the human dead, and  
110 as the office or place for carrying on the profession of funeral  
111 service and/or funeral directing.

112 (f) "License for the practice of funeral directing"  
113 means the license given to a person engaging in the "practice of  
114 funeral service" who is not engaged in the practice of embalming.

115 (g) "License for the practice of funeral service" means  
116 the license given to a person engaging in the "practice of funeral  
117 service," including the practice of embalming.

118 (h) "Practice of funeral service" means:

119 (i) Providing shelter, care and custody of the  
120 human dead;

121 (ii) Conducting immediate post-death activities;

122 (iii) Preparing of the human dead by embalming or  
123 other methods for burial or other disposition;

124 (iv) Being responsible for the transportation of  
125 the human dead, bereaved relatives and friends;

126 (v) Making arrangements, financial or otherwise,  
127 for the providing of such services;

128                   (vi) The sale of funeral merchandise; or  
129                   (vii) The practice or performance of any function  
130 of funeral directing and/or embalming as presently known,  
131 including those stipulated herein.

132           This definition shall not include persons or corporations  
133 engaging only in the preneed sale of funeral merchandise or  
134 service.

135           (i) "Resident trainee" means a person who is preparing  
136 to become licensed for the practice of funeral service or funeral  
137 directing and who is serving under the supervision and instruction  
138 of a person duly licensed for the practice of funeral service or  
139 funeral directing in this state.

140           (j) "Solicitation" means the act or practice of  
141 approaching someone with a request or plea, or urging someone  
142 toward a particular cause, as it may pertain to the care, custody  
143 or disposition of a dead human body.

144           (k) "Casket" is defined as a rigid container that is  
145 designed for the encasement of human remains and that is usually  
146 constructed of wood, metal, fiberglass, plastic or like material  
147 and ornamented and lined with fabric.

148           (l) "Cremation" is the technical process, using heat,  
149 that reduces human remains to bone fragments.

150           (m) "Crematory" is defined as any person, partnership  
151 or corporation that performs cremation. A crematory must comply  
152 with any applicable public health laws and rules and must contain  
153 the equipment and meet all of the standards established by the  
154 rules and regulations adopted by the Board.

155           (n) "Direct cremation" means a disposition of human  
156 remains by cremation without formal viewing, visitation or  
157 ceremony with the body present.

158           (o) "Crematory operator" means the legal entity that  
159 operates a crematory and performs cremations.

160           **SECTION 3.** Section 73-11-43, Mississippi Code of 1972, is  
161 reenacted as follows:

162           73-11-43. There is hereby created the State Board of Funeral  
163 Service which shall consist of seven (7) members, one (1) funeral  
164 service licensee and one (1) funeral director licensee to be  
165 appointed from each Mississippi Supreme Court district. Three (3)  
166 members shall have been licensed for the practice of funeral  
167 service under this chapter for five (5) consecutive years and/or  
168 have had at least five (5) consecutive years' experience as a  
169 funeral director and embalmer in this state immediately preceding  
170 his appointment. Three (3) members shall have been licensed for  
171 the practice of funeral directing under this chapter for five (5)  
172 consecutive years and/or have had at least five (5) consecutive  
173 years' experience as a funeral director immediately preceding his  
174 appointment. One (1) member shall be a public member and be  
175 appointed from the public at large. The members of the board  
176 shall be appointed by the Governor with the advice and consent of  
177 the Senate. All appointments shall be for terms of four (4) years  
178 from the expiration date of the previous term. No board member  
179 shall serve more than two (2) consecutive full terms. Vacancies  
180 in office shall be filled by appointment by the Governor in the  
181 same manner as the appointment to the position which becomes  
182 vacant, subject to the advice and consent of the Senate at the  
183 next regular session of the Legislature. Appointments for  
184 vacancies in office, except those from the public at large, may be  
185 made from a joint list of four (4) qualified persons, two (2) each  
186 submitted by the Mississippi Funeral Directors Association and the  
187 Mississippi Funeral Directors and Morticians Association. Nothing  
188 in this chapter or any other statute shall preclude the members of  
189 the State Embalming Board from serving as members of the State  
190 Board of Funeral Service.

191           **SECTION 4.** Section 73-11-45, Mississippi Code of 1972, is  
192 reenacted as follows:

193           73-11-45. The members of the board, before entering upon  
194 their duties, shall take and subscribe to the oath of office  
195 prescribed for other state officers, which oath shall be  
196 administered by properly qualified authority and shall be filed in  
197 the Office of the Secretary of State.

198           **SECTION 5.** Section 73-11-47, Mississippi Code of 1972, is  
199 reenacted as follows:

200           73-11-47. The board shall hold not less than two (2)  
201 meetings annually for the purpose of conducting the business of  
202 the board and for examining applications for licenses. Four (4)  
203 or more members shall comprise a quorum. Any member who shall not  
204 attend two (2) consecutive meetings of the board shall be subject  
205 to removal by the Governor. The chairman of the board shall  
206 notify the Governor in writing when any such member has failed to  
207 attend two (2) consecutive regular meetings.

208           **SECTION 6.** Section 73-11-49, Mississippi Code of 1972, is  
209 reenacted and amended as follows:

210           73-11-49. (1) The board is authorized to select from its  
211 own membership a chairman, vice chairman and secretary-treasurer.  
212 Election of officers shall be held at the first regularly  
213 scheduled meeting of the fiscal year.

214           (2) All members of the board shall be reimbursed for their  
215 necessary traveling expenses and mileage incident to their  
216 attendance upon the business of the board, as provided in Section  
217 25-3-41, and shall receive a per diem as provided in Section  
218 25-3-69 for every day actually spent upon the business of the  
219 board, not to exceed twenty (20) days per year unless authorized  
220 by a majority vote of the board.

221           (3) All monies received by the board shall be paid into a  
222 special fund in the State Treasury to the credit of the board and  
223 shall be used by the board for paying the traveling and necessary  
224 expenses and per diem of the members of the board while on board  
225 business, and for paying other expenses necessary for the

226 operation of the board in carrying out and involving the  
227 provisions of this chapter.

228 (4) The board shall employ an administrator of the board,  
229 who shall have complete supervision and be held responsible for  
230 the direction of the office of the board, shall have supervision  
231 over field inspections and enforcement of the provisions of this  
232 chapter, shall have such other duties as may be assigned by the  
233 board, shall be responsible and answerable to the board. The  
234 board may employ such other clerical assistants and employees as  
235 may be necessary to carry out the provisions of this chapter, and  
236 the terms and conditions of such employment shall be determined by  
237 the board in accordance with applicable state law and rules and  
238 regulations of the State Personnel Board.

239 (5) The board, when it shall deem necessary, shall be  
240 represented by an assistant Attorney General duly appointed by the  
241 Attorney General of this state, and may also request and receive  
242 the assistance of other state agencies and county and district  
243 attorneys, all of whom are authorized to provide the assistance  
244 requested.

245 (6) The board shall have subpoena power in enforcing the  
246 provisions of this chapter.

247 (7) The board shall adopt and promulgate rules and  
248 regulations for the transaction of its business in accordance with  
249 the provisions of the Mississippi Administrative Procedures Law  
250 (Section 25-43-1 et seq.). No rule or regulation promulgated by  
251 the board affecting any person or agency outside the board shall  
252 be adopted, amended or repealed without a public hearing on the  
253 proposed action. The board shall give written notice at least  
254 thirty (30) days in advance of any meeting with respect to any  
255 proposed adoption, amendment or repeal of a rule or regulation of  
256 the board, in accordance with the Administrative Procedures Act,  
257 as well as notifying the duly elected presidents and secretaries  
258 of the Mississippi Funeral Directors Association and the

259 Mississippi Funeral Directors and Morticians Association, or their  
260 successors.

261 (8) The board may designate the administrator to perform  
262 inspections under this chapter, may employ an individual to  
263 perform such inspections or may contract with any other individual  
264 or entity to perform such inspections. Any individual or entity  
265 that performs such inspections shall have the right of entry into  
266 any place in which the business or practice of funeral service  
267 and/or funeral directing is carried on or advertised as being  
268 carried on, for the purpose of inspection, for the investigation  
269 of complaints coming before the board and for such other matters  
270 as the board may direct.

271 (9) The board shall not adopt any rule or regulation  
272 pertaining to the transportation of dead bodies, and shall not  
273 adopt any rule or regulation requiring dead bodies to be embalmed  
274 except as required by the State Department of Health's Rule 43 or  
275 any subsequent rule adopted by the department.

276 **SECTION 7.** Section 73-11-51, Mississippi Code of 1972, is  
277 reenacted and amended as follows:

278 73-11-51. (1) No person shall engage in the business or  
279 practice of funeral service, including embalming, and/or funeral  
280 directing or hold himself out as transacting or practicing or  
281 being entitled to transact or practice funeral service, including  
282 embalming, and/or funeral directing in this state unless duly  
283 licensed under the provisions of this chapter.

284 (2) The board is authorized and empowered to examine  
285 applicants for licenses for the practice of funeral service and  
286 funeral directing and shall issue the proper license to those  
287 persons who successfully pass the applicable examination and  
288 otherwise comply with the provisions of this chapter.

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

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



292 (b) Have a high school diploma or the equivalent  
293 thereof;

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

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

300 (e) Be of good moral character.

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

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

304 (b) Have a high school diploma or the equivalent  
305 thereof;

306 (c) Have successfully completed twelve (12) months or  
307 more of academic and professional instruction from an institution  
308 accredited by the United States Department of Education for  
309 funeral service education and have a certificate of completion  
310 from an institution accredited by the American Board of Funeral  
311 Service Education or any other successor recognized by the United  
312 States Department of Education for funeral service education;

313 (d) Have served as a resident trainee for not less than  
314 twelve (12) months, either before or after graduation from an  
315 accredited institution mentioned above, under the supervision of a  
316 person licensed for the practice of funeral service in this state  
317 and in an establishment licensed in this state;

318 (e) Have successfully passed the National Conference of  
319 Funeral Examiners examination as approved by the board; and

320 (f) Be of good moral character.

321 (5) All applications for examination and license for the  
322 practice of funeral service or funeral directing shall be upon  
323 forms furnished by the board and shall be accompanied by an  
324 examination fee, a licensing fee and a nonrefundable application

325 fee in amounts fixed by the board in accordance with Section  
326 73-11-56. The fee for an initial license, however, may be  
327 prorated in proportion to the period of time from the date of  
328 issuance to the date of biennial license renewal prescribed in  
329 subsection (8) of this section. All applications for examination  
330 shall be filed with the board office at least sixty (60) days  
331 before the date of examination. A candidate shall be deemed to  
332 have abandoned the application for examination if he does not  
333 appear on the scheduled date of examination unless such failure to  
334 appear has been approved by the board.

335 (6) The practice of funeral service or funeral directing  
336 must be engaged in at a licensed funeral establishment, at least  
337 one (1) of which is listed as the licensee's place of business;  
338 and no person, partnership, corporation, association or other  
339 organization shall open or maintain a funeral establishment at  
340 which to engage in or conduct or hold himself or itself out as  
341 engaging in the practice of funeral service or funeral directing  
342 until such establishment has complied with the licensing  
343 requirements of this chapter. A license for the practice of  
344 funeral service or funeral directing shall be used only at  
345 licensed funeral establishments; however, this provision shall not  
346 prevent a person licensed for the practice of funeral service or  
347 funeral directing from conducting a funeral service at a church, a  
348 residence, public hall, lodge room or cemetery chapel, if such  
349 person maintains a fixed licensed funeral establishment of his own  
350 or is in the employ of or an agent of a licensed funeral  
351 establishment.

352 (7) Any person holding a valid, unrevoked and unexpired  
353 nonreciprocal license in another state or territory having  
354 requirements greater than or equal to those of this state as  
355 determined by the board may apply for a license to practice in  
356 this state by filing with the board a certified statement from the  
357 secretary of the licensing board of the state or territory in

358 which the applicant holds his license certifying to his  
359 qualifications and good standing with that board by having  
360 successfully passed a written and/or oral examination on the  
361 Mississippi Funeral Service licensing law and rules and  
362 regulations as prepared or approved by the board, and by paying a  
363 nonrefundable application fee set by the board under Section  
364 73-11-56. If the board finds that the applicant has fulfilled  
365 substantially similar requirements, the board shall grant such  
366 license upon receipt of a fee in an amount equal to the renewal  
367 fee set by the board for a license for the practice of funeral  
368 service or funeral directing, as the case may be, in this state.  
369 The board may issue a temporary funeral service or funeral  
370 directing work permit before a license is granted, before the next  
371 regular meeting of the board, if the applicant for a reciprocal  
372 license has complied with all requirements, rules and regulations  
373 of the board. The temporary permit will expire at the next  
374 regular meeting of the board.

375 (8) (a) Any person holding a license for the practice of  
376 funeral service or funeral directing may have the same renewed for  
377 a period of two (2) years by making and filing with the board an  
378 application on or before the due date. Payment of the renewal fee  
379 shall be in an amount set by the board in accordance with Section  
380 73-11-56. The board shall mail the notice of renewal and the due  
381 date for the payment of the renewal fee to the last known address  
382 of each licensee at least thirty (30) days before that date. It  
383 is the responsibility of the licensee to notify the board in  
384 writing of any change of address. An application will be  
385 considered late if the application and proper fees are not in the  
386 board's office or postmarked by the due date.

387 (b) If the renewal fee is not paid on or postmarked by  
388 the due date, the license of such person shall by operation of law  
389 automatically expire and become void without further action of the  
390 board. The board may reinstate such license if application for

391 licensure is made within a period of five (5) years, upon payment  
392 of the renewal fee for the current year, all renewal fees in  
393 arrears, and a reinstatement fee. After a period of five (5)  
394 years, the licensee must make application, pay the current renewal  
395 fee, all fees in arrears, and pass a written and/or oral  
396 examination as prepared or approved by the board.

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

399 (10) The board may, in its discretion, if there is a major  
400 disaster or emergency where human death is likely to occur,  
401 temporarily authorize the practice of funeral directing and  
402 funeral service by persons licensed to practice in another state  
403 but not licensed to practice in this state, provided that such  
404 services are only rendered by members of disaster mortuary teams  
405 authorized by federal or appropriate local authorities to provide  
406 such services. Only persons licensed in this state, however, may  
407 sign death certificates.

408 (11) \* \* \* A person who is licensed for the practice of  
409 funeral service by another state is authorized to make a removal  
410 of a deceased person, embalm a deceased person or conduct a  
411 funeral or burial service in this state, and a funeral director  
412 who is licensed by another state is authorized to conduct a  
413 funeral or burial service in this state, in the same manner and to  
414 the same extent as provided by the laws of that state to persons  
415 licensed by the State of Mississippi for the practice of funeral  
416 service or for the practice of funeral directing. The board is  
417 authorized to enter into written agreements with those states  
418 detailing the manner and extent to which persons licensed by the  
419 State of Mississippi may practice funeral service or directing in  
420 that state.

421 (12) Any funeral service technology or mortuary science  
422 program accredited by the American Board of Funeral Service  
423 Education in the State of Mississippi, as well as students

424 enrolled in such a program, shall be exempt from licensing under  
425 this chapter when embalming or otherwise preparing a deceased  
426 human body for disposition as part of a student practicum  
427 experience, when the student is directly supervised by an  
428 instructor or preceptor who holds a current funeral service  
429 license. This exemption shall apply to practicum experiences  
430 performed at an accredited institution of funeral service  
431 technology or mortuary science program or at a duly licensed  
432 funeral establishment or commercial mortuary service. Nothing in  
433 this subsection shall be construed to allow any funeral service  
434 technology or mortuary science program, or those students enrolled  
435 in such a program, to engage in practicum experiences for  
436 remuneration.

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

440 \* \* \*

441 **SECTION 8.** Section 73-11-53, Mississippi Code of 1972, is  
442 reenacted and amended as follows:

443 73-11-53. (1) A person desiring to become a resident  
444 trainee for the practice of funeral service or funeral directing  
445 shall make application to the board. Such application shall be  
446 sustained by the licensee under whom the applicant is serving, and  
447 shall be accompanied by a nonrefundable application fee in an  
448 amount set by the board in accordance with Section 73-11-56. When  
449 the board is satisfied as to the qualifications of an applicant,  
450 it shall issue a certificate of resident traineeship. No credit  
451 toward the resident traineeship will be allowed before the receipt  
452 of a properly completed application and applicable fee at the  
453 board office.

454 (2) The board shall have the power to suspend or revoke a  
455 certificate of a resident traineeship for violation of any  
456 provision of this chapter.

457 \* \* \*

458 (3) A resident trainee must serve the apprenticeship in a  
459 funeral establishment that is licensed by the State of Mississippi  
460 and the preceptor must be a Mississippi licensee who is employed  
461 by a Mississippi licensed funeral establishment.

462 (4) A resident traineeship certificate shall be renewable  
463 upon payment of a renewal fee as set by the board. The  
464 certificate will expire on December 31 of each year. The fee and  
465 application will be considered late if the fee and application are  
466 not in the office or show a postmark of December 31. Applications  
467 received late may be reinstated by the payment of a renewal fee  
468 and a reinstatement fee.

469 **SECTION 9.** Section 73-11-55, Mississippi Code of 1972, is  
470 reenacted and amended as follows:

471 73-11-55. (1) No person or party shall conduct, maintain,  
472 manage or operate a funeral establishment or branch thereof unless  
473 a license for each such establishment has been issued by the board  
474 and is conspicuously displayed in such funeral establishment. In  
475 case of funeral services held in any private residence, church,  
476 cemetery, cemetery chapel, cemetery facility, or lodge hall, no  
477 license shall be required.

478 (2) To be licensed as a funeral establishment, a place or  
479 premise must be at a fixed and specified address or location and  
480 must be used for immediate post-death activities, whether used for  
481 the custody, shelter, care, preparation and/or embalming of the  
482 human dead. Every funeral establishment shall be under the charge  
483 and personal supervision of a Mississippi funeral director  
484 licensee or a Mississippi funeral service licensee. The licensee  
485 in charge and the licensee with personal supervisory  
486 responsibilities need not be the same licensee. Each licensed  
487 funeral establishment shall be inspected at least once during each  
488 licensing period. Such inspections may be unannounced. After  
489 inspection of a funeral establishment, if the board cites the

490 funeral establishment for failure to comply with any provision of  
491 this chapter or a rule or regulation of the board, the funeral  
492 establishment shall resolve the violation to the satisfaction of  
493 the board and be in full compliance with this chapter and board  
494 rules and regulations not later than thirty (30) days after the  
495 board files the inspection report.

496       (3) (a) A funeral establishment must contain a preparation  
497 and/or embalming room, adequate casket and/or vault selection  
498 room, and holding facilities or proper room or rooms in which  
499 rites and ceremonies may be held. A funeral establishment shall  
500 be subject to an inspection at least once during a two-year  
501 license period. Each new establishment must be inspected before  
502 the opening. All portions of each facility licensed under this  
503 section shall be kept in a clean and sanitary condition.

504       (b) A branch establishment must contain an office  
505 and/or an arrangement room, and a room for viewing and/or a chapel  
506 or proper place for ceremonies. A branch establishment need not  
507 meet all requirements specified in paragraph (a) of this  
508 subsection and need not be under the personal supervision of a  
509 Mississippi funeral director licensee or a Mississippi funeral  
510 service licensee.

511       If the branch meets all requirements of a funeral  
512 establishment as specified in paragraph (a) of this subsection,  
513 such establishment must be under the charge and personal  
514 supervision of a Mississippi funeral director licensee or a  
515 Mississippi funeral service licensee.

516       (c) A commercial mortuary service is a funeral  
517 establishment that embalms and transports for licensed funeral  
518 establishments and does not sell any services or merchandise  
519 directly or at retail to the public.

520       (4) Applications for funeral establishment licenses, branch  
521 establishment licenses or commercial mortuary service licenses  
522 shall be made on blanks furnished by the board and shall be

523 accompanied by a fee in an amount fixed by the board under Section  
524 73-11-56. All establishment licenses shall be issued for a period  
525 of two (2) years, except initial licenses may be prorated from the  
526 date of issuance to the next renewal date.

527 Renewal funeral establishment and branch establishment  
528 license applications and license fees shall be due and payable to  
529 the board on or before the expiration date of the license. The  
530 board shall mail the notice of renewal and the due date for  
531 payment of the renewal fee at least thirty (30) days before that  
532 date.

533 (5) If the renewal fee is not paid on or postmarked by the  
534 due date, the license shall by operation of law automatically  
535 expire and become void without further action of the board. All  
536 establishments whose licenses have expired under this section may  
537 be reinstated by filing with the board an application for  
538 reinstatement, submitting to an inspection during which time the  
539 licensee in charge of such establishment shall be interviewed by  
540 the board or its designee and by paying all renewal fees in  
541 arrears and a reinstatement fee.

542 (6) No license shall be assignable or transferable or valid  
543 for any establishment other than the original licensee. License  
544 fees and application fees are nonrefundable.

545 (7) A license for each new establishment \* \* \* shall not be  
546 issued until an inspection has been made, license and inspection  
547 fees have been paid, and the licensee in charge and/or owners of  
548 such establishment has been interviewed by the board or its  
549 designee.

550 \* \* \*

551 (8) The board is authorized to establish rules and  
552 regulations for the issuance of a special funeral establishment  
553 work permit.

554 **SECTION 10.** Section 73-11-56, Mississippi Code of 1972, is  
555 reenacted and amended as follows:



556 73-11-56. On or before October 1 of each year, the board  
 557 shall determine the amount of funds that will be required during  
 558 the next ensuing two (2) years to properly administer the laws  
 559 which the board is directed to enforce and administer and by rule  
 560 and regulation shall fix fees in such reasonable sums as may be  
 561 necessary for such purposes within the following limitations:

562 Funeral establishment:

563	<u>Initial</u> application fee, not more than.....	\$ <u>500.00</u>
564	<u>Initial</u> inspection fee, not more than.....	\$ <u>250.00</u>
565	<u>Renewal</u> inspection fee, not more than.....	\$ 75.00
566	Funeral establishment license fee, not more than.....	\$150.00
567	Branch establishment license fee, not more than.....	\$150.00
568	Commercial mortuary service license fee, not	
569	more than.....	\$150.00
570	<u>Crematory</u> application fee, not more than.....	\$150.00
571	<u>Establishment</u> renewal * * * license fee * * *.....	\$300.00
572	<u>Branch</u> renewal license fee.....	\$300.00
573	<u>Commercial mortuary</u> renewal license fee.....	\$300.00
574	<u>Crematory</u> renewal license fee.....	\$300.00
575	Special work permit.....	\$150.00

576 Funeral service:

577	Application fee, not more than.....	\$ <u>100.00</u>
578	Reciprocal application fee, not more than.....	\$ <u>250.00</u>
579	License fee, not more than.....	\$ 75.00
580	Renewal license fee * * *.....	\$ <u>125.00</u>
581	Work permit, not more than.....	\$ <u>100.00</u>
582	Examination fee.....	Cost of the examination

583 Funeral director:

584	Application fee, not more than.....	\$ <u>100.00</u>
585	Reciprocal application fee, not more than.....	\$ <u>250.00</u>
586	License fee, not more than.....	\$ 50.00
587	Renewal license fee, not more than.....	\$ <u>100.00</u>
588	Work permit, not more than.....	\$ <u>100.00</u>

589 Examination fee..... Cost of the examination  
590 Resident trainee certificate:  
591 Funeral service application fee, not more than..... \$100.00  
592 Funeral director application fee, not more than..... \$100.00  
593 Funeral service renewal application fee,  
594 not more than..... \$ 50.00  
595 Funeral director renewal application fee,  
596 not more than..... \$ 50.00  
597 Other fees:  
598 Duplicate license fee, not more than..... \$ 50.00  
599 Public records of the board.....\$1.00 per page

600 Reinstatement of lapsed license fee, equal to the  
601 amount of the applicable license fee.

602 All licenses will have a reinstatement fee added to the  
603 renewal fee if the payment is not in the board's office or  
604 postmarked by the due date.

605 At least thirty (30) days before the expiration date of any  
606 license issued by the board, the board shall notify the licensee  
607 of the applicable renewal fee therefor.

608 **SECTION 11.** Section 73-11-57, Mississippi Code of 1972, is  
609 reenacted and amended as follows:

610 73-11-57. (1) The board may refuse to examine or to issue  
611 or renew, or may suspend or revoke, any license, or may reprimand  
612 or place the holder thereof on a term of probation, after proper  
613 hearing, upon finding the holder of such license to be guilty of  
614 acts of commission or omission including the following:

615 (a) The employment of fraud or deception in applying  
616 for a license or in passing the examination provided for in this  
617 chapter;

618 (b) The erroneous issuance of a license to any person;

619 (c) The conviction of a felony by any court in this  
620 state or any federal court or by the court of any other state or  
621 territory of the United States;

622           (d) The practice of embalming under a false name or  
623 without a license for the practice of funeral service;

624           (e) The impersonation of another funeral service or  
625 funeral directing licensee;

626           (f) The permitting of a person other than a funeral  
627 service or funeral directing licensee to make arrangements for a  
628 funeral and/or form of disposition;

629           (g) Violation of any provision of this chapter or any  
630 rule or regulation of the board;

631           (h) Having had a license for the practice of funeral  
632 service or funeral directing suspended or revoked in any  
633 jurisdiction, having voluntarily surrendered his license in any  
634 jurisdiction, having been placed on probation in any jurisdiction,  
635 having been placed under disciplinary order(s) or other  
636 restriction in any manner for funeral directing and/or funeral  
637 service, or operating a funeral establishment (a certified copy of  
638 the order of suspension, revocation, probation or disciplinary  
639 action shall be prima facie evidence of such action);

640           (i) Solicitation of dead human bodies by the licensee,  
641 his agents, assistants or employees, whether such solicitation  
642 occurs after death or when death is imminent; if the person  
643 solicited has made known a desire not to receive the  
644 communication, or if the solicitation involves coercion, duress or  
645 harassment, or if the solicitation takes place at the residence of  
646 the client or prospective client, is uninvited by the client or  
647 prospective client and has not been previously agreed to by the  
648 client or prospective client; however, this shall not be deemed to  
649 prohibit general advertising;

650           (j) Employment directly or indirectly of any  
651 apprentice, agent, assistant, employee, or other person, on a  
652 part-time or full-time basis or on commission, for the purpose of  
653 calling upon individuals or institutions by whose influence dead

654 human bodies may be turned over to a particular funeral  
655 establishment;

656 (k) Failure to make responses to communications or  
657 requests of the board within thirty (30) days;

658 \* \* \*

659 (l) Knowingly performing any act that in any way  
660 assists an unlicensed person to practice funeral service or  
661 funeral directing;

662 (m) Knowingly making a false statement on death  
663 certificates; or

664 (n) Unprofessional conduct which includes, but is not  
665 limited to:

666 (i) Retaining a dead human body for the payment of  
667 a fee for the performance of services that are not  
668 authorized \* \* \*;

669 (ii) Knowingly performing any act which in any way  
670 assists an unlicensed person to practice funeral service or  
671 funeral directing;

672 (iii) Being guilty of any dishonorable conduct  
673 likely to deceive, defraud or harm the public;

674 (iv) Any act or omission in the practice of  
675 funeral service or directing which constitutes dishonesty, fraud  
676 or misrepresentation with the intent to benefit the licensee,  
677 another person or funeral establishment, or with the intent to  
678 substantially injure another person, licensee or funeral  
679 establishment; or

680 (v) Any act or conduct, whether the same or of a  
681 different character than specified above, which constitutes or  
682 demonstrates bad faith, incompetency or untrustworthiness; or  
683 dishonest, fraudulent or improper dealing; or any other violation  
684 of the provisions of this chapter, the rules and regulations  
685 established by the board or any rule or regulation promulgated by

686 the Federal Trade Commission relative to the practice of funeral  
687 service or funeral directing.

688 (2) The board may, upon satisfactory proof that the  
689 applicant or licensee has been guilty of any of the offenses above  
690 enumerated, refuse to examine or issue a license to the applicant,  
691 or may refuse to renew or revoke or suspend the license of the  
692 licensee, or place on probation or reprimand him, upon a majority  
693 vote of the board members, after a hearing thereon. The board  
694 is \* \* \* vested with full power and authority to hold and conduct  
695 such hearings, compel the attendance of witnesses and the  
696 production of books, records and documents, issue subpoenas  
697 therefor, administer oaths, examine witnesses, and do all things  
698 necessary to properly conduct such hearings. The board may waive  
699 the necessity of a hearing if the person accused of a violation  
700 admits that he has been guilty of such offense. Any person who  
701 has been refused a license or whose license has been revoked or  
702 suspended may, within thirty (30) days after the decision of the  
703 board, file with the board a written notice stating that he feels  
704 himself aggrieved by such decision and may appeal therefrom to the  
705 circuit court of the county and judicial district of residence of  
706 the person, or if the person is a nonresident of the State of  
707 Mississippi, to the Circuit Court of the First Judicial District  
708 of Hinds County. Upon the filing of such notice, the secretary of  
709 the board shall transmit to the clerk of the circuit court the  
710 records and findings of such proceedings. The circuit court shall  
711 hear and determine as to whether the action of the board was in  
712 accord or consistent with law, or was arbitrary, unwarranted or in  
713 abuse of discretion. An appeal from the circuit court judgment or  
714 decree may be reviewed by the Supreme Court as is provided by law  
715 for other appeals. An appeal of a decision or order of the board  
716 does not act as a supersedeas.

717 (3) In a proceeding conducted under this section by the  
718 board for the revocation or suspension of a license, the board

719 shall have the power and authority for the grounds stated for such  
720 revocation or suspension, and in addition thereto or in lieu of  
721 such revocation or suspension may assess and levy upon any person  
722 licensed under this chapter, a monetary penalty, as follows:

723           (a) For the first violation of any of the subparagraphs  
724 of subsection (1) of this section, a monetary penalty of \* \* \*  
725 Five Hundred Dollars (\$500.00).

726           (b) For the second violation of any of the  
727 subparagraphs of subsection (1) of this section, a monetary  
728 penalty of \* \* \* One Thousand Dollars (\$1,000.00).

729           (c) For the third and any subsequent violation of any  
730 of the subparagraphs of subsection (1) of this section, a monetary  
731 penalty of \* \* \* Five Thousand Dollars (\$5,000.00).

732           (d) For any violation of any of the subparagraphs of  
733 subsection (1) of this section, those reasonable costs that are  
734 expended by the board in the investigation and conduct of a  
735 proceeding for licensure revocation or suspension, including, but  
736 not limited to, the cost of process service, court reporters,  
737 expert witnesses and investigators.

738           (4) The power and authority of the board to assess and levy  
739 such monetary penalties hereunder shall not be affected or  
740 diminished by any other proceeding, civil or criminal, concerning  
741 the same violation or violations except as provided in this  
742 section.

743           (5) A licensee shall have the right of appeal from the  
744 assessment and levy of a monetary penalty as provided in this  
745 section under the same conditions as a right of appeal is provided  
746 elsewhere for appeals from an adverse ruling, order or decision of  
747 the board.

748           (6) Any monetary penalty assessed and levied under this  
749 section shall not take effect until after the time for appeal  
750 shall have expired.

751           (7) A monetary penalty assessed and levied under this  
752 section shall be paid to the board by the licensee upon the  
753 expiration of the period allowed for appeal of such penalties  
754 under this section or may be paid sooner if the licensee elects.  
755 With the exception of subsection (3)(d) of this section, monetary  
756 penalties collected by the board under this section shall be  
757 deposited in the State Treasury to the credit of the State Board  
758 of Funeral Service. Any monies collected by the board under  
759 subsection (3)(d) of this section shall be deposited into the  
760 special fund operating account of the board.

761           (8) When payment of a monetary penalty assessed and levied  
762 by the board against a licensee in accordance with this section is  
763 not paid by the licensee when due under this section, the board  
764 shall have power to institute and maintain proceedings in its name  
765 for enforcement of payment in the chancery court of the county and  
766 judicial district of residence of the licensee, or if the licensee  
767 is a nonresident of the State of Mississippi, \* \* \* in the  
768 Chancery Court of the First Judicial District of Hinds County,  
769 Mississippi.

770           (9) In addition to the reasons specified in subsection (1)  
771 of this section, the board shall be authorized to suspend the  
772 license of any licensee for being out of compliance with an order  
773 for support, as defined in Section 93-11-153. The procedure for  
774 suspension of a license for being out of compliance with an order  
775 for support, and the procedure for the reissuance or reinstatement  
776 of a license suspended for that purpose, and the payment of any  
777 fees for the reissuance or reinstatement of a license suspended  
778 for that purpose, shall be governed by Section 93-11-157 or  
779 93-11-163, as the case may be. Actions taken by the board in  
780 suspending a license when required by Section 93-11-157 or  
781 93-11-163 are not actions from which an appeal may be taken under  
782 this section. Any appeal of a license suspension that is required  
783 by Section 93-11-157 or 93-11-163 shall be taken in accordance

784 with the appeal procedure specified in Section 93-11-157 or  
785 93-11-163, as the case may be, rather than the procedure specified  
786 in this section. If there is any conflict between any provision  
787 of Section 93-11-157 or 93-11-163 and any provision of this  
788 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
789 case may be, shall control.

790 **SECTION 12.** The following shall be codified as Section  
791 73-11-58, Mississippi Code of 1972:

792 73-11-58. (1) If a decedent has left no written  
793 authorization for the cremation and or disposition of the  
794 decedent's body as permitted by law, the following competent  
795 persons, in the order of priority listed below, may authorize the  
796 type, method, place, cremation and or other disposition of the  
797 decedent's body:

798 (a) The surviving spouse.

799 (b) The surviving children who are at least eighteen  
800 (18) years of age and can be located after reasonable efforts.

801 (c) The surviving parents.

802 (d) The surviving siblings who are at least eighteen  
803 (18) years of age and can be located after reasonable efforts.

804 (e) A person in the class of the next degree of  
805 kinship, in descending order, who, under state law, would inherit  
806 the decedent's estate if the decedent died intestate who are at  
807 least eighteen (18) years of age and can be located with  
808 reasonable effort.

809 (f) A person who has exhibited special care and concern  
810 for the decedent and is willing and able to make decisions about  
811 the cremation and disposition.

812 (g) In the case of indigents or any other individuals  
813 whose final disposition is the responsibility of the state or any  
814 of its instrumentalities, a public administrator, medical  
815 examiner, coroner, state-appointed guardian, or any other public



816 official charged with arranging the final disposition of the  
817 decedent may serve as the authorizing agent.

818 (h) In the case of individuals who have donated their  
819 bodies to science or whose death occurred in a nursing home or  
820 private institution and in which the institution is charged with  
821 making arrangements for the final disposition of the decedent, a  
822 representative of the institution may serve as the authorizing  
823 agent in the absence of any of the above.

824 (i) In the absence of any of the above, any person  
825 willing to assume responsibility for the cremation and disposition  
826 of the decedent.

827 (2) No funeral establishment shall accept a dead human body  
828 from any public officer or employee or from the official of any  
829 institution, hospital or nursing home, or from a physician or any  
830 person having a professional relationship with a decedent, without  
831 having first made due inquiry as to the desires of the persons who  
832 have the legal authority to direct the disposition of the  
833 decedent's body. If any persons are found, their authority and  
834 directions shall govern the disposal of the remains of the  
835 decedent. Any funeral establishment receiving the remains in  
836 violation of this subsection shall make no charge for any service  
837 in connection with the remains before delivery of the remains as  
838 stipulated by the persons having legal authority to direct the  
839 disposition of the body. This section shall not prevent any  
840 funeral establishment from charging and being reimbursed for  
841 services rendered in connection with the removal of the remains of  
842 any deceased person in case of accidental or violent death and  
843 rendering necessary professional services required until the  
844 persons having legal authority to direct the disposition of the  
845 body have been notified,

846 **SECTION 13.** Section 73-11-59, Mississippi Code of 1972, is  
847 reenacted and amended as follows:

848           73-11-59. Any person, partnership, corporation, association  
849 or his or her or its agents or representatives who shall violate  
850 any of the provisions of this chapter shall be deemed guilty of a  
851 misdemeanor and, upon conviction thereof, shall be punished by a  
852 fine of Five Thousand Dollars (\$5,000.00), or by imprisonment for  
853 not more than six (6) months in the county jail, or by both such  
854 fine and imprisonment.

855           **SECTION 14.** Section 73-11-61, Mississippi Code of 1972, is  
856 reenacted as follows:

857           73-11-61. Every funeral director or funeral service licensee  
858 shall provide, before the rendering of services, the funeral  
859 establishment's current general price list, casket price list,  
860 outer container price list, and a statement of goods and services  
861 to the person or persons who authorize the services and is  
862 responsible for payment of the expenses therefor, in a manner and  
863 format as prescribed by the Federal Trade Commission's Funeral  
864 Rule of 1984 and any future changes with regard to required  
865 disclosures. The general price list must be made available to any  
866 person upon request.

867           **SECTION 15.** Section 73-11-63, Mississippi Code of 1972, is  
868 reenacted and amended as follows:

869           73-11-63. Nothing in this chapter shall be construed to  
870 authorize the regulation or licensing of cemeteries or cemetery  
871 chapels \* \* \* by the board, except the regulation or licensing of  
872 any funeral establishment operated by a cemetery. In addition,  
873 nothing in this chapter shall be construed to prevent or interfere  
874 with the ceremonies, customs, religious rites or religion of any  
875 people, denomination, or sect, or to prevent or interfere with any  
876 religious denomination, sect or anybody composed of persons of a  
877 denomination, or to prevent or interfere with any church or  
878 synagogue from having its committee or committees prepare human  
879 bodies for burial or the families, friends or neighbors of  
880 deceased persons who prepare and bury their dead without charge.

881           **SECTION 16.** Section 73-11-65, Mississippi Code of 1972, is  
882 reenacted as follows:

883           73-11-65. Every funeral service or interment, or part  
884 thereof, that is conducted in Mississippi must be in the actual  
885 charge and under the supervision of a funeral director or funeral  
886 service licensee who is licensed under this chapter. However,  
887 this section shall not prevent a family from burying its own dead  
888 without charge.

889           **SECTION 17.** Section 73-11-67, Mississippi Code of 1972, is  
890 reenacted and amended as follows:

891           73-11-67. Every person, establishment or company not  
892 licensed under this chapter that sells caskets at retail shall  
893 register annually with the board. \* \* \* The names of registrants  
894 under this section shall be made available to any person upon  
895 request during the regular business hours of the board. The  
896 procedure for conducting a disciplinary proceeding against any  
897 casket retailer accused of failing to register with the board, as  
898 well as the penal sanctions available to the board, shall be the  
899 same as those set forth in Section 73-11-57.

900           **SECTION 18.** Section 73-11-69, Mississippi Code of 1972, is  
901 reenacted and amended as follows:

902           73-11-69. (1) No person shall operate a crematory facility  
903 in this state unless the person is licensed by the State Board of  
904 Funeral Service. An application for a crematory facility license  
905 shall be accompanied by a fee in an amount not to exceed the fee  
906 fixed by the board for a funeral establishment license.

907           (2) The operator of a crematory facility shall issue a  
908 certificate of cremation to the family of each person cremated in  
909 the facility. In addition, the operator of the crematory facility  
910 shall maintain a log of all cremations performed in the facility,  
911 and this log shall match the certificates of cremation that have  
912 been issued by the facility.

913 (3) No operator of a crematory facility shall knowingly  
914 represent that an urn or temporary container contains the  
915 recovered cremated remains of specific decedent or of body parts  
916 removed from a specific decedent when it does not. This  
917 subsection does not prohibit the making of such a representation  
918 because of the presence in the recovered cremated remains of de  
919 minimis amounts of the cremated remains of another decedent or of  
920 body parts.

921 (4) The board shall inspect each licensed crematory facility  
922 during each licensure period, and at such other times as  
923 necessary, to verify that the crematory facility is in compliance  
924 with the requirements of this section. Any person who operates a  
925 crematory facility in this state without a license, or any person  
926 who otherwise violates any provision of this section, is guilty of  
927 a felony. Upon conviction for a violation of this section, in  
928 addition to any penalty that may be imposed by the court, the  
929 board may revoke the person's crematory facility license.

930 (5) The board may promulgate such rules and regulations as  
931 deemed necessary for the proper licensure and regulation of  
932 crematory facilities in this state.

933 (6) Any crematory or funeral establishment may dispose of  
934 any remains unclaimed by the family after twelve (12) months after  
935 cremation by scattering or burial upon a final notification to the  
936 next of kin by certified mail to their last known address.

937 **SECTION 19.** This act shall take effect and be in force from  
938 and after July 1, 2005.