

By: Representative Middleton

To: Public Health and Human Services

HOUSE BILL NO. 1243

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE STATE BOARD OF FUNERAL SERVICE, IN LIEU OF
3 CERTAIN OTHER LICENSURE REQUIREMENTS, SHALL ISSUE A LICENSE FOR
4 THE PRACTICE OF FUNERAL DIRECTING TO ANY PERSON WHO HAS NOT LESS
5 THAN TWENTY YEARS EXPERIENCE AS AN EMPLOYEE AT A LICENSED FUNERAL
6 ESTABLISHMENT IN MISSISSIPPI, IS PRESENTLY EMPLOYED AT A LICENSED
7 FUNERAL ESTABLISHMENT IN MISSISSIPPI AND MAKES APPLICATION TO THE
8 BOARD FOR THE LICENSE DURING THE PERIOD FROM JULY 1, 2005, THROUGH
9 JULY 31, 2005; AND FOR RELATED PURPOSES.

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

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

13 73-11-51. (1) Except as otherwise provided herein, no
14 person shall engage in the business or practice of funeral
15 service, including embalming, and/or funeral directing or hold
16 himself out as transacting or practicing or being entitled to
17 transact or practice funeral service, including embalming, and/or
18 funeral directing in this state unless duly licensed pursuant to
19 the provisions of this chapter.

20 (2) The board is authorized and empowered to examine
21 applicants for licenses for the practice of funeral service and
22 funeral directing and shall issue the proper license to those
23 persons who successfully pass the applicable examination and
24 otherwise comply with the provisions of this chapter.

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

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

28 (b) Have a high school diploma or the equivalent
29 thereof;

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

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

36 (e) Be of good moral character.

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

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

40 (b) Have a high school diploma or the equivalent
41 thereof;

42 (c) Have successfully completed twelve (12) months or
43 more of academic and professional instruction from an institution
44 accredited by the United States Department of Education for
45 funeral service education and have a certificate of completion
46 from an institution accredited by the American Board of Funeral
47 Service Education or any other successor recognized by the United
48 States Department of Education for funeral service education;

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

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

56 (f) Be of good moral character.

57 (5) All applications for examination and license for the
58 practice of funeral service or funeral directing shall be upon
59 forms furnished by the board and shall be accompanied by an
60 examination fee, a licensing fee and a nonrefundable application
61 fee in amounts fixed by the board in accordance with Section
62 73-11-56. The fee for an initial license, however, may be

63 prorated in proportion to the period of time from the date of
64 issuance to the date of biennial license renewal prescribed in
65 subsection (8) of this section. All applications for examination
66 shall be filed with the board office at least sixty (60) days
67 prior to date of examination. A candidate shall be deemed to have
68 abandoned the application for examination if he does not appear on
69 the scheduled date of examination unless such failure to appear
70 has been approved by the board.

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

88 (7) Any person holding a valid, unrevoked and unexpired
89 license in another state or territory having requirements
90 substantially similar to those of this state may apply for a
91 license to practice in this state by filing with the board a
92 certified statement from the secretary of the licensing board of
93 the state or territory in which the applicant holds his license
94 certifying to his qualifications and good standing with that board
95 by having successfully passed a written and/or oral examination on

96 the Mississippi Funeral Service licensing law and rules and
97 regulations as prepared or approved by the board, and by paying a
98 nonrefundable application fee set by the board pursuant to Section
99 73-11-56. If the board finds that the applicant has fulfilled
100 substantially similar requirements, the board shall grant such
101 license upon receipt of a fee in an amount equal to the renewal
102 fee set by the board for a license for the practice of funeral
103 service or funeral directing, as the case may be, in this state.
104 The board may issue a temporary funeral service or funeral
105 directing work permit before a license is granted, prior to the
106 next regular meeting of the board, if the applicant for a
107 reciprocal license has complied with all requirements, rules and
108 regulations of the board. The temporary permit will expire at the
109 next regular meeting of the board.

110 (8) (a) Any person holding a license for the practice of
111 funeral service or funeral directing may have the same renewed for
112 a period of two (2) years by making and filing with the board an
113 application on or before the due date. Payment of the renewal fee
114 shall be in an amount set by the board in accordance with Section
115 73-11-56. The board shall mail the notice of renewal and the due
116 date for the payment of the renewal fee to the last known address
117 of each licensee at least thirty (30) days before that date. It
118 is the responsibility of the licensee to notify the board in
119 writing of any change of address. An application will be
120 considered late if the application and proper fees are not in the
121 board's office or postmarked by the due date.

122 (b) If the renewal fee is not paid on or postmarked by
123 the due date, the license of such person shall by operation of law
124 automatically expire and become void without further action of the
125 board. The board may reinstate such license if application for
126 licensure is made within a period of five (5) years, upon payment
127 of the renewal fee for the current year, all renewal fees in
128 arrears, and a reinstatement fee . After a period of five (5)

129 years, the licensee must make application, pay the current renewal
130 fee, all fees in arrears, and pass a written and/or oral
131 examination as prepared or approved by the board.

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

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

143 (11) On an individual basis, a person who is licensed for
144 the practice of funeral service by another state is authorized to
145 make a removal of a deceased person, embalm a deceased person or
146 conduct a funeral or burial service in this state, and a funeral
147 director who is licensed by another state is authorized to conduct
148 a funeral or burial service in this state, in the same manner and
149 to the same extent as provided by the laws of that state to
150 persons licensed by the State of Mississippi for the practice of
151 funeral service or for the practice of funeral directing.

152 (12) Any funeral service technology or mortuary science
153 program accredited by the American Board of Funeral Service
154 Education in the State of Mississippi, as well as students
155 enrolled in such a program, shall be exempt from licensing under
156 this chapter when embalming or otherwise preparing a deceased
157 human body for disposition as part of a student practicum
158 experience, when the student is directly supervised by an
159 instructor or preceptor who holds a current funeral service
160 license. This exemption shall apply to practicum experiences
161 performed at an accredited institution of funeral service

162 technology or mortuary science program or at a duly licensed
163 funeral establishment or commercial mortuary service. Nothing in
164 this subsection shall be construed to allow any funeral service
165 technology or mortuary science program, or those students enrolled
166 in such a program, to engage in practicum experiences for
167 remuneration.

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

171 (14) (a) Notwithstanding any provision of this chapter, the
172 board shall issue a license for the practice of funeral directing
173 to any person who (i) is at least sixty (60) years of age, (ii)
174 has not less than five (5) years' experience as an employee at a
175 licensed funeral establishment in Mississippi, (iii) is presently
176 employed at a licensed funeral establishment in Mississippi, and
177 (iv) makes application to the board for the license during the
178 period from July 1, 2002, through July 31, 2002.

179 (b) Notwithstanding any provision of this chapter to
180 the contrary, and, in lieu of the requirements in paragraph (a) of
181 this subsection, the board shall issue a license for the practice
182 of funeral directing to any person who (i) has not less than
183 twenty (20) years' experience as an employee at a licensed funeral
184 establishment in Mississippi; (ii) is presently employed at a
185 licensed funeral establishment in Mississippi; and (iii) makes
186 application to the board for the license during the period from
187 July 1, 2005, through July 31, 2005.

188 The board shall furnish persons seeking licensure under
189 this subsection an application form upon request. The applicant's
190 previous experience and current employment at a licensed funeral
191 establishment in Mississippi must be documented in writing by the
192 owner, management or licensee in charge of the funeral
193 establishment and included with the application to the board.

194 **SECTION 2.** This act shall take effect and be in force from
195 and after July 1, 2005.